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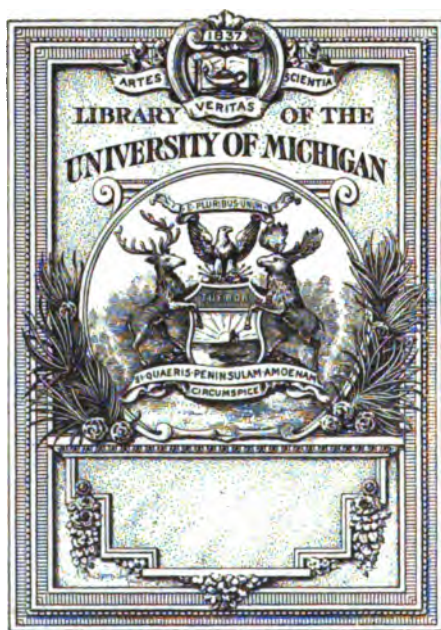
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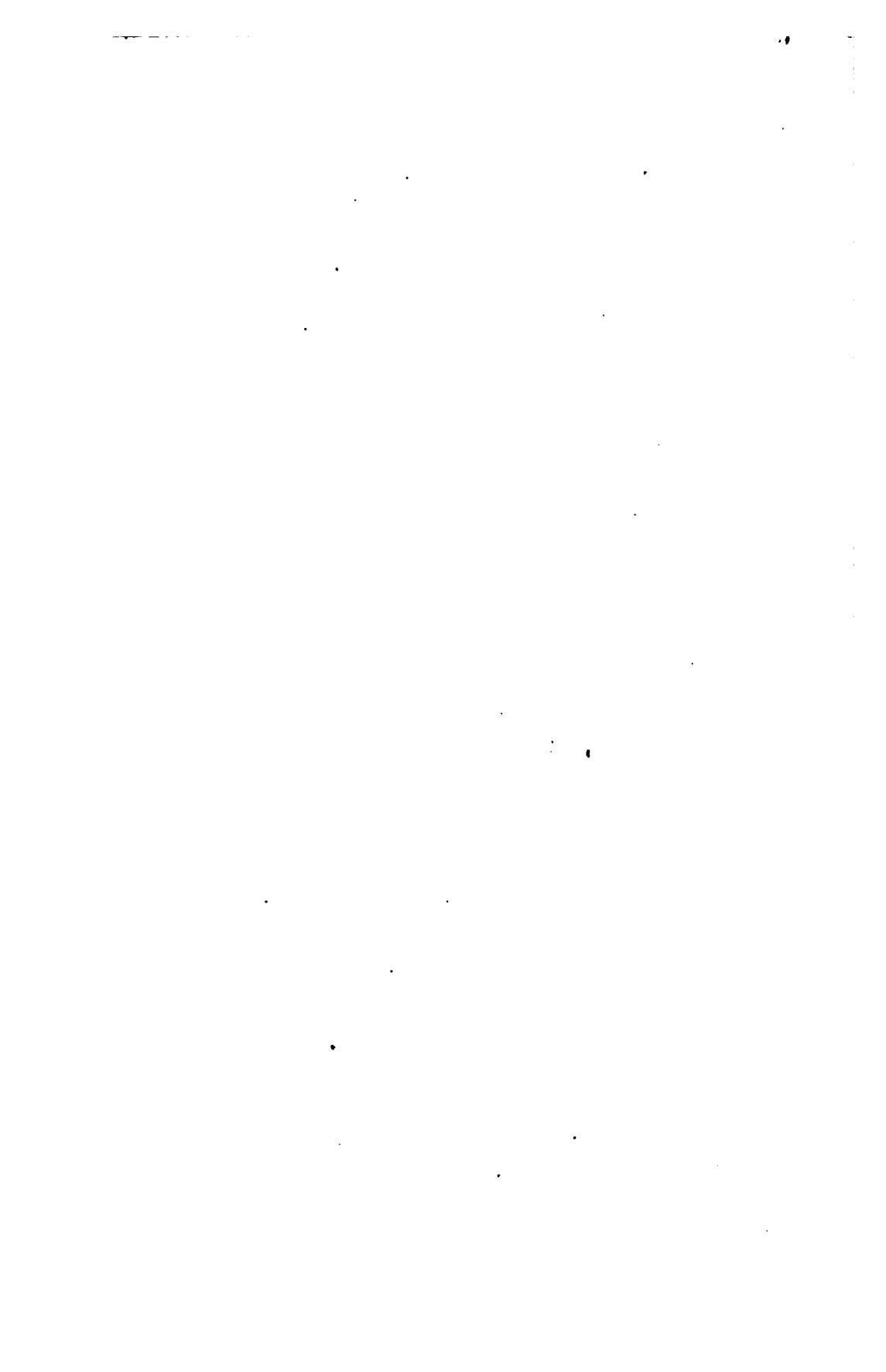
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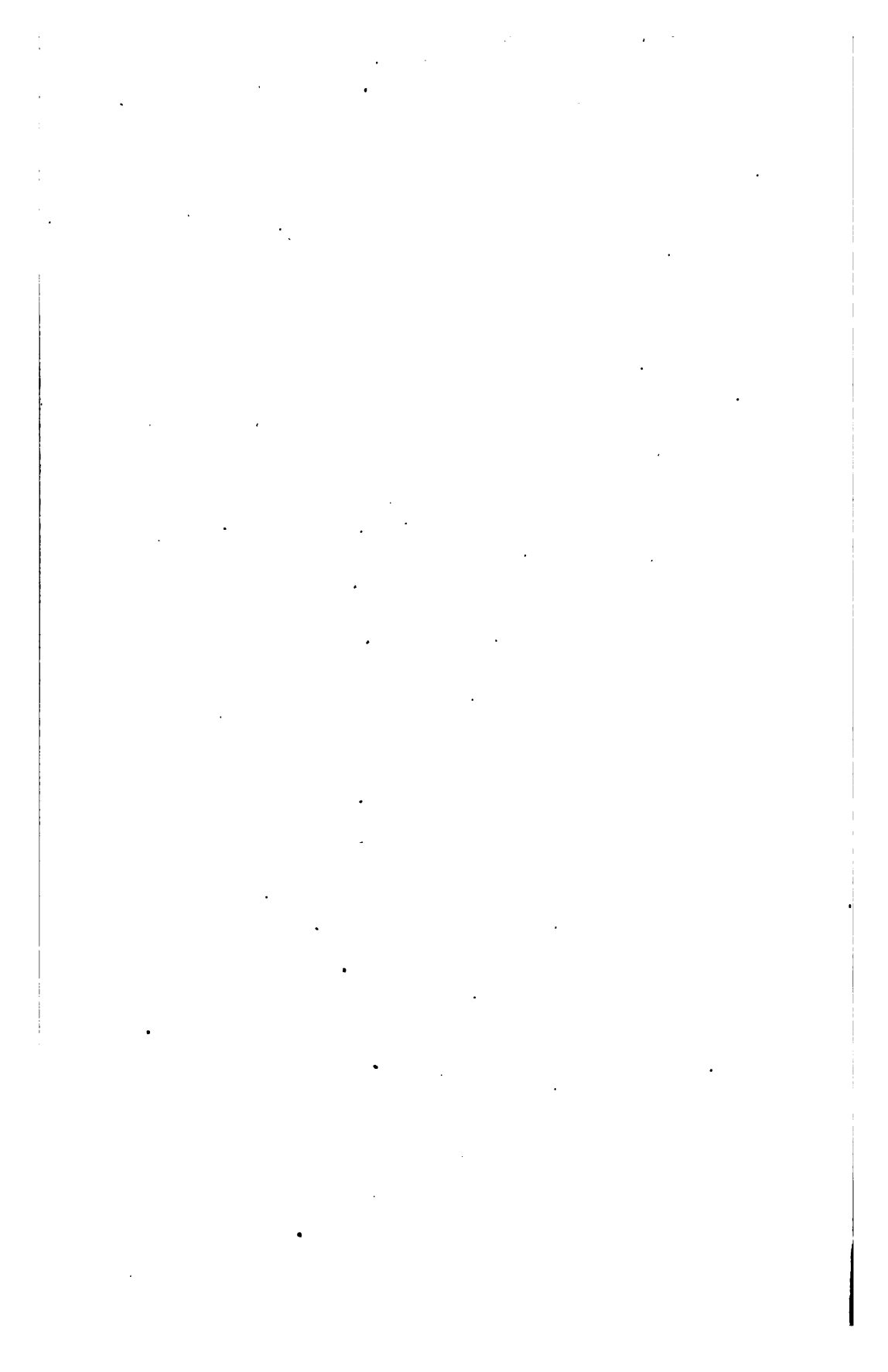
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ON

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NO. 108.—SEPTEMBER, 1889.

GRAIN CROPS OF EUROPE, 1889.

REPORT BY COMMERCIAL AGENT SMITH, OF MAYENCE.

ALL EUROPE.

The European grain crops of the present year have not turned out very satisfactorily, and the United States will have to be looked to to make up a deficiency. This has been known for some time past, and is confirmed by the reports of the International Grain Market, at Vienna, which meets there every year for the purpose of furnishing reliable and disinterested reports as to the grain crops of the year. This market has been held annually at Vienna for the past seventeen years, with great success until now, and has been regarded as a great authority in Europe on grain crop returns. During the past year much opposition was shown to its being held at Vienna, and it came very near not being held; but the Austrian Government and the city authorities of Vienna felt an interest in its maintenance, and, notwithstanding the efforts made to get it transferred to some other place, it was again held at Vienna, having been called at the express wish of the Austrian Government. But its fate is thought to be sealed, and the probability is that the market will never more be held at Vienna on a large scale. The market in the past had been largely visited by grain dealers from all parts of Europe, who came together to make sales and purchases, etc., but this year there was a great falling off in the number of those in attendance, for, while from 5,000 to 5,800 visitors were on hand in 1888, this year only some 2,500 were present, and of these but few were foreigners, there being no participation from foreign countries except by a few men from southern Germany and from Switzerland. Of the

Austro-Hungarians who had been in the habit of attending the market only about one-half came this time.

The average wheat crop of Europe annually from 1881 to 1886 is put at 1,211,072,192 bushels; in 1888 the crop amounted to 1,240,370,925 bushels. This year it is estimated to be about 15 per cent. less.

AUSTRIA-HUNGARY.

The grain harvests of Austria-Hungary have turned out very poorly this year, and are said to be the worst of the last decennary. Not a single comitat in Hungary or kronland in Austria has given over a full average harvest in wheat, rye, barley, or oats; few reached an average, and most fell below it, some very much so. The consequence is that Hungary has a deficit of about 12,000,000 hectoliters (34,000,000 bushels) in wheat, and Austria about 3,000,000 hectoliters, making a total of 42,600,000 bushels for the Austro-Hungarian Empire; 31,240,000 bushels of rye less, 34,080,000 bushels of barley less, and 31,240,000 bushels less of oats, than in 1888.

The amount of land in Hungary under wheat cultivation is about 3,000,000 hectares (7,500,000 acres), in Austria about 2,870,000 acres. To rye about 3,462,000 acres are devoted in Hungary and about 5,032,000 acres in Austria. In this cereal Hungary shows a product of about 19,880,000 bushels less than last year and Austria about 11,360,000 bushels, making altogether in the whole monarchy 31,240,000 bushels less. About 2,670,000 acres of barley are cultivated in Hungary and about 2,825,000 acres in Austria; the product is 22,720,000 bushels in Hungary and 11,360,000 bushels in Austria less than last year; for the Empire 34,080,000 bushels less.

Austria-Hungary is one of the countries to which those countries of Europe which do not produce grain enough for their own needs look for their supplies, but Austria-Hungary will have no wheat to export this year, or at most very little, which may be made possible by an abundant potato crop, leading the people to use potatoes much in the place of bread. In rye and oats there will be no capacity to export. In barley, notwithstanding the much less quantity harvested, the monarchy will have about 1,500,000 to 2,000,000 double centners (150,000 to 200,000 tons) of brewing material to export. The deficit in the barley harvested was less in brewing barley than in other kinds.

GERMANY.

In Prussia the harvest did not come up to original expectations. Rye turned out to be better than for several years past, but in wheat, barley, and oats the yield was not up to that of the preceding year. Wheat gave 87 per cent. of an average harvest, rye 87, barley 82, and oats 85. In Silesia more wheat was cultivated than before, but the yield was only 75 per cent. of an average harvest. Rye is officially put at 75 per cent. in the estimates, but that figure is thought to be too high. Silesia requires a great deal of rye, and will be compelled to import a considerable quantity. Barley did very poorly, and the product is much worse than that of the year before. In quantity the

crop is 75 per cent. of an average one. For a fine yield of potatoes the prospects in Silesia are good. The Saxon wheat crop is estimated to be 80 per cent. of an average harvest, the rye crop 70 per cent. Barley and oats are reported to be satisfactory. In Hesse-Nassau wheat and rye prove to be very good in quality, and the yields in quantity are put at 100 for wheat, 85 for rye, 90 for barley, and 95 for oats. Wheat in Schleswig-Holstein yielded 101 per cent. and rye 96 per cent., both being of splendid quality; barley 80 per cent., well developed for the most part, and of a good, sound color. The crops in Hanover suffered very much from rain, and only rye and barley in part were harvested dry and show fine qualities. Wheat is reckoned at 93, rye at 90, barley at 80, and oats at 90 per cent. of an average harvest. In the Rhine province rye varied very much in quality. Very little dry grain is on hand. The same is true of wheat, except that the yield was greater. Wheat is reckoned at from 95 to 100 per cent., rye 90 to 95, and oats at 105. The harvests in Bavaria varied in quality and quantity. In Franconia and Suabia the harvesting took place in good weather, and a good quality of grain was obtained. Wheat gave 105 per cent., rye 90, barley 100, and oats 110. In Upper and Lower Bavaria the wheat was poor and of light weight, while rye was heavy and of fine color. The barley will do for brewing purposes. The wheat yield is reckoned at 85 per cent., rye 90, barley 85, and oats 80. For Würtemberg the wheat yield is reported to be below an average crop, and in Baden the harvests on the whole have been disappointing. Wheat and barley are put at 80 per cent., rye at 75, and oats at 100.

Germany never produces grain enough for its own consumption, and has always to look abroad for a large supply—to Austria-Hungary, Russia, Roumania, the United States, and India. This year Austria-Hungary will not be able to supply her, and Russia and Roumania have experienced unfavorable harvests, the Russian wheat crop being about one-half as much as they harvested last year. Potatoes, fortunately, promise well, and when bread becomes dear poor people turn to them for their sustenance. They form a very important article of food any way among the poorer classes in Germany. The more grain is imported, however, the better it is for the Government in fiscal respects—the more foreign grain the greater the revenue.

FRANCE, ENGLAND, AND SWITZERLAND.

France, England, and Switzerland show improved harvests. Italy had 10 per cent. more land sown with wheat than before, but the product was below the average in quantity, and she will find it necessary to import.

NORTHERN EUROPE.

In northern Europe the weather was favorable to spring wheat, but was too dry for the summer grains. Denmark has the best-developed wheat, with a full average crop, while rye is estimated at 90 per cent. and barley hardly at 75. Sweden has a full average crop in rye, with almost a like yield of wheat. Oats and barley have suffered from drought. In Norway the crop

prospects are not good. The yields will not exceed 70 per cent. in rye, 60 in barley, and 65 in oats, it is said. Holland has a good crop of wheat in quality and quantity. Rye has not done so well. Barley had to be harvested, in part, somewhat wet. The yields are: Wheat, 105 per cent.; rye, 85; and barley and oats, 90. England got an early and good crop of wheat—a full average harvest. The amount she will have to import is calculated to be 17,000,000 quarters.

RUSSIA.

The Russian crops have been, on the whole, poor, and it is remarkable that those districts which showed the best results last make the worst showing this year. Bessarabia has harvested but one-third of a crop this year, while last year the yield was 125 per cent. Likewise unfavorable are the reports from the Charkow, Poltava, Kursk, and Kiew districts, which had good harvests last year. The quality of the grain, however, is fine. In northern districts the wheat crops have been better, but an average crop was not reached in any one of them. The rye and barley crops were a little better than the wheat crops, but not much.

ROUMANIA.

Roumania has not gathered in as abundant crops of wheat as last year, but has received good, and very good, average harvests of good quality. Servia does not show up so well, and full average crops of wheat have been harvested in but few localities, of varied quality. On the average, wheat is reckoned at 70 per cent., rye at 65, barley at 80, and oats at 50.

YIELD OF THE SEVERAL COUNTRIES.

The yield in the different countries during the present year, summed up tabularly, in comparison with that of 1888, is as follows:

Wheat yield.

Country.	1889.	1888.	Country.	1889.	1888.
Austria.....	83	107	Switzerland.....	100	78
Hungary.....	72	110	France.....	103	80
Prussia.....	87	91	England.....	100	78
Saxony.....	80	95	Poland.....	65	85
Franconia and Suabia.....	105	87	Bessarabia.....	30	125
Bavaria.....	88	102	Cherson.....	70	120
Bavaria, Palatinate.....	85	75	Central Russia.....	50	90
Baden.....	80	85	Moldavia.....	60	130
Württemberg.....	91	75	Wallachia.....	70	110
{ Spring wheat.....			Egypt.....	70	110
{ Summer wheat.....	92	94			
Italy.....	80	75			

Rye, barley, and oats yield.

Countries.	Rye.		Barley.		Oats.	
	1889.	1888.	1889.	1888.	1889.	1888.
Austria.....	86	92	79	96	86	103
Hungary.....	55	85	53	84	56	85
Prussia.....	79	74	80	94	83	96
Bavaria (Franconia and Suabia).....	90	79	100	96	110	107
Baden.....	75	60	80	85	100	110
Italy.....					60	65
Switzerland.....	107	78			100	100
France.....		85	100	85		100
Great Britain and Ireland.....			97	99	100	100
Russia.....	61	82	70	91	63	90
Roumania.....	70	103	74	67	65	85
Servia.....	65	90	80	90	50	70
Egypt.....			60	75		

The average in wheat for all Europe is 81 this year, compared to 93 in 1888 and 110.5 in 1887.

JAMES H. SMITH,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Mayence, August 29, 1889.

American vines in France.—Consul Earle, of Cognac, under date of September 1, 1889, transmits the following advertisement or proclamation of the committee of viticulture for the arrondissement of Cognac. This committee has for its function the re-establishment of the brandy-producing vineyards of Cognac and its environs. The subjoined announcement seems to show that they expect to accomplish their object by means of hardier American stocks grafted with their own more valuable but tenderer varieties.

GRATUITOUS DISTRIBUTION OF PLANTS.

The committee of viticulture of the arrondissement of Cognac, having in view the end to aid in the reconstruction of our vineyards, will distribute, gratuitously, next autumn, 150,000 American plants, rooted, grafted, and healed with the "Tolle Blanche," "St. Emilian," or "Balzac."

The committee requests the vinyardists who wish to share in this distribution and are willing to give these vines all necessary care, both as to their planting and after-culture, to send in their names, addresses, and the number of plants required, so that the committee may make its arrangements for a division.

Before any vines are given out, however, the professor of the committee, Mr. Ravaz, will personally visit the vineyard and determine for himself if its soil is adapted to American vines. No plants will be sent to proprietors whose vineyard soil is not adapted to these vines, which, as a matter of fact, require, to perfectly succeed, the richest and deepest soil possible.

School-masters will also receive a certain number of vines. They have only to make application.

(Signed)

HENRI GERMAIN,
The President of the Committee.

FRENCH CROPS IN 1889.

REPORT BY CONSUL-GENERAL RATHBONE, OF PARIS.

The French journal of agriculture, *Le Bulletin des Halles*, gives the following figures as the result of its laborious investigations concerning the wheat crop in France in 1889, as compared with the year 1888:

AREA SOWN.

Districts.	1889.	1888.
	<i>Acres.</i>	<i>Acres.</i>
Northwestern	1,899,504	1,870,158
North.....	2,955,714	2,982,525
Northeast.....	1,406,324	1,411,021
West.....	2,713,666	2,800,649
Center.....	1,801,854	1,779,665
East.....	2,022,132	1,956,926
Southwest.....	1,914,886	1,893,633
South.....	1,163,084	1,126,674
Southeast.....	1,280,116	1,319,336
Corsica.....	35,090	86,490
Total	17,192,430	17,227,077

TOTAL YIELD.

	<i>Bushels.</i>	<i>Bushels.</i>
Northwestern.....	35,315,525	28,970,024
North.....	62,981,836	54,583,853
Northeast.....	28,566,602	21,041,765
West.....	45,402,270	44,190,658
Center.....	36,148,828	24,726,315
East.....	33,220,315	27,630,356
Southwest.....	23,188,192	23,460,025
South.....	15,332,587	13,598,115
Southeast.....	17,646,660	14,442,378
Corsica.....	423,355	663,836
Total	318,226,170	253,317,325

YIELD PER ACRE.

	<i>Bushels.</i>	<i>Bushels.</i>
Northwestern	18.59	15.49
North.....	28.09	18.33
Northeast.....	20.32	14.92
West.....	16.74	15.78
Center.....	20.03	13.90
East.....	16.43	14.13
Southwest.....	12.12	12.46
South.....	13.19	12.11
Southeast	13.82	10.90
Corsica.....	12.06	8.20
Average yield	18.40	14.70

The following statement shows the relative value of the wheat crop of 1889, as compared with an average year crop :

Items.	1889.	Average year.
Yield.....bushels.....	318,226,170	295,727,059
Average weight per bushel.....pounds.....	67.4	65.8
Total weight.....tons.....	9,556,160	8,708,860
Flour.....do.....	7,070,567	6,444,556
Bread.....do.....	9,187,295	8,377,923

The following table shows the areas sown and the estimated quantities of maslin, rye, oats, and barley produced during the year 1889 :

Products.	Area sown.	Total yield.	Yield per acre.
	<i>Acres.</i>	<i>Bushels.</i>	<i>Bushels.</i>
Maslin.....	766,053	14,285,110	18.69
Rye.....	3,990,750	69,517,332	17.42
Oats.....	9,118,000	218,830,888	23.97
Barley.....	2,439,014	49,318,786	20.23

J. L. RATHBONE,

UNITED STATES CONSULATE-GENERAL,

Consul-General.

Paris, September 13, 1889.

AUSTRALASIAN WOOL TRADE, 1888-'89.

REPORT BY CONSUL GRIFFIN, OF SYDNEY.

TOTAL WOOL EXPORTS.

The total quantity of wool exported from the Australasian colonies between July 1, 1888, and June 30, 1889, was 1,334,798 bales, against 1,272,749 bales for the previous year, showing a net increase for the former of 62,049 bales, or about 5 per cent. This increase is larger than that of any other year since 1884-'85, except in 1887-'88, when it was 7½ per cent. In 1885-'86 the increase was 2 per cent ; in 1886-'87 it was 4½ per cent.

The subjoined table shows the quantity of wool exported from each of the Australasian colonies for the seasons of 1888-'89 and 1887-'88 :

Colony.	1888-'89.	1887-'88.	Increase.	Decrease.
	<i>Bales.</i>	<i>Bales.</i>	<i>Bales.</i>	<i>Bales.</i>
New South Wales.....	452,042	396,401	55,641	
Victoria.....	340,324	345,251		4,927
South Australia.....	134,427	149,884		15,457
Queensland.....	97,067	87,405	9,662	
Western Australia.....	21,881	16,438	5,443	
Tasmania.....	19,536	16,657	2,879	
New Zealand.....	269,521	260,713	8,808	
Total.....	1,334,798	1,272,749	62,049	20,384

The average weight of a bale of Australasian wool may be taken as 400 pounds.

The export for 1889 was the largest in the history of the colonies. The enormous growth of the exports can be seen from the statement that the total exports for the season of 1880-'81 was only 671,063 bales; in 1881-'82 it was 749,268 bales; in 1883-'84 it was 845,982 bales; in 1886-'87 it was 1,116,538 bales; and in 1888-'89, as previously stated, it was 1,334,798 bales.

THE COLONIAL SALES.

The London journals view with much amazement the steadily increasing popularity of the colonial sales. Until very recently nearly the whole of the clip was sent to London for sale, but now the popularity of the local sales seems to indicate that in the course of a few years the great bulk of the clip will be sold at the chief shipping ports of Australasia.

During the last decade the quantity of wool catalogued in London in the month of November has increased by 100,000 bales, but Mr. Henry Austin, of Sydney, points out the interesting fact that the increase in the local sales has been at a far greater ratio; for nearly one-half of the New South Wales wool export and considerably more than one-half of the clip shipped from Victoria were purchased at the local sales in Sydney and Melbourne during the season of 1888-'89.

The following table shows the amount of the sales at Sydney, Melbourne and Geelong, with the percentage for each season from 1883-'84 to 1888-'89, inclusive:

Year.	Sydney.			Melbourne and Geelong.		
	Offered.	Sold.	Percent- age of sales.	Offered.	Sold.	Percent- age of sales.
	<i>Bales.</i>	<i>Bales.</i>	<i>Per cent.</i>	<i>Bales.</i>	<i>Bales.</i>	<i>Per cent.</i>
1883-'84	150,000	107,000	71	220,000	185,000	84
1884-'85	160,000	105,000	66	250,000	200,000	80
1885-'86	160,000	120,000	75	230,000	185,000	80
1886-'87	175,000	175,000	71	235,000	183,000	77
1887-'88	227,000	163,000	72	230,000	188,000	82
1888-'89	270,000	210,000	77	260,000	225,000	87

Moreover, we learn that Queensland and New Zealand are following the example of their sister colonies, and have perfected arrangements for the local sales of their products. An impetus has been given to the local sales by the increase in the number of fast-going steam-ships plying between Australasia and the principal European ports. Steam-ship lines have been established not only with London and Hamburg, but with Antwerp and Marseilles, while active preparations are being made for the establishment of direct communications with Belgium, Austria, and Italy. Vast sums of money have been voted by the various foreign governments and by the colonies for the

purpose of promoting these lines of steam-ships, and it is said that both New South Wales and Victoria contemplate sending commissioners to the United States with the view of inducing the latter country to assist in establishing a line of fast steam-ships between the Australian colonies and the ports on the Atlantic coast of the United States.

WOOL EXPORTS TO EUROPEAN CONTINENTAL PORTS.

In order to show the growth of the direct trade between Australasia and the European continental ports a table showing the exports of wool to those ports for each season from 1883-'84 to 1888-'89, inclusive, is appended:

Season.	From—			Total.
	New South Wales.	Victoria.	South Australia.	
	<i>Bales.</i>	<i>Bales.</i>	<i>Bales.</i>	<i>Bales.</i>
1883-'84.....	25,295	42,883	.....	68,178
1884-'85.....	27,099	49,426	.....	76,525
1885-'86.....	38,989	44,800	3,818	87,607
1886-'87.....	52,715	59,883	13,344	121,942
1887-'88.....	55,761	55,809	8,319	119,909
1888-'89.....	74,523	91,825	10,975	177,323

Of the exports for 1888-'89 Marseilles received 4,642 bales, Havre 2,983 bales, Dunkirk 321 bales, Antwerp 105,595 bales, Bremen 11,049 bales, and Hamburg 9,575 bales. New South Wales sent the heaviest export to Antwerp, and Victoria to Marseilles. South Australia, the only other colony in the group engaged at present in the direct export to the European continental ports, sent 955 bales to Hamburg.

Wool dealers continue to receive the most gratifying accounts of the high appreciation of Australasian wools from the German manufacturers. A number of new mills have recently been established in Germany, while some of the older ones are enlarging their facilities. The North-German Wool Combining and Spinning Factory has considerably enlarged its establishment. Aside from the yarns it turns out, this mill has undertaken to manufacture yarns for weaving purposes. In March last it was thought that the financial troubles in France would create an uneasy feeling regarding the future among the spinners and manufacturers in Europe, but these fears have been rapidly dispelled by the improved condition of affairs and by the steady advance in the prices of wools.

EXPORTS TO THE UNITED STATES.

The total export of wool to the United States direct during the season of 1888-'89 was 38,240 bales, against 21,913 bales for the previous season.

The following table shows the direct exports of Australasian wool from Melbourne and Sydney to the United States for each season from 1883-'84 to 1888-'89, inclusive:

Season.	Melbourne.	Sydney.	Total.
	<i>Bales.</i>	<i>Bales.</i>	<i>Bales.</i>
1883-'84.....	14,863	7,712	22,575
1884-'85.....	6,621	.....	6,621
1885-'86.....	20,161	4,296	24,457
1886-'87.....	14,969	169	15,138
1887-'88.....	21,505	408	21,913
1888-'89.....	33,437	4,803	38,240

The unforeseen decline in the quantity of wool produced in the United States, and the impetus given to the manufacture of woollens there, partly through excessive imports of indifferent woollens from the European markets, brought a large number of American buyers to Australia. The kinds of Australian wools desired by the American manufacturers have frequently been described in my reports to the Department, and it is only necessary for me to mention here that they consist, principally, of light, sound, fine, shafty fleeces of a good length of staple. Extreme prices are always paid for such wools by American manufacturers. The competition for these wools was keen, and continued throughout the whole series of the local sales, the great bulk being secured at extraordinary high prices for the American market in the early part of the sales. There was little or no demand for lambs' wool, except such of long staple, rich in grease, sound, soft, firm, and free from fault. The sales of short stapled, faulty parcels languished throughout the series, such parcels seldom realizing more than 4*d.* (8 cents) per pound.

Light-condition cross-bred wools were also rapidly taken up by American buyers, many realizing better prices than merino wools. As the season advanced there was quite a brisk demand for heavy-conditioned wools. A feature of the season was a strong demand for broken fleece and bulky pieces, from first to last the prices paid for the sesorts being relatively higher than for the fleeces from the same sheep. This fact has frequently formed the subject of adverse comment by venders. The manager of the Melbourne branch of the New Zealand Loan and Mercantile Agency Company, to whom I am indebted for valuable material for this report, says that it must not be forgotten that broken fleece and bulky pieces often bear a closer relationship to the combing sorts than the relative fleece, hence he thinks the apparent anomaly is at once explained. In many instances portions of the best stapled wool were found in the pieces. This was especially noticeable in clips where the growth on the backs had been stunted by the sun and the hard season and where the fleece had been heavily skirted.

CONDITION OF THE CLIP OF 1889.

The favorable weather experienced throughout the whole of the Australasian group in 1887 and in the early part of 1888 excited the most sanguine anticipations of a magnificent clip for 1888-'89. Unfortunately, however,

very little rain fell in the months of June, July, and August, 1888 (the Australasian winter), and as spring advanced the weather, especially in the north, remained unusually dry and later on developed into a serious drought. The foundation, however, of a sound and well-grown clip had been already laid, and by the time the drought had forced itself into unwilling recognition shearing was well advanced.

The direct effect upon the staple was to lighten its condition without affecting its soundness to any appreciable extent, speaking generally, and to enhance the price per pound. This fact, together with the bulk of the clip, gave to the grower a good return. An adverse feature of the season, however, was the large quantity of earthy wool off traveling sheep coming into the market, which, by reason of its heavy condition, sold at comparatively low prices. With few exceptions the whole of the clip was fairly sound, fine-haired, well grown, and in light and good condition. That from Riverina, answering in a large measure to this description, was perhaps a little more seedy and burry than that of the previous season. This defect was more noticeable by comparison with the bulk of the wools from other districts, which were freer from this drawback than usual. The chocolate-colored wools from the Lachlan met the general acceptance, being light, soft, and free from burr, the foreign section of wool buyers showing a preference for them. The Darling wools were in fair marketable condition and sold well, though they were perhaps a little more earthy than last year, and not so well grown. The Queensland clips, governed as they are by such varied conditions of climate and soil in so large an area, partook more or less of these characteristics.

Messrs. Goldsbrough, Mort & Co., in their annual review for the present season, mention that the portion of the clip shipped from Melbourne was satisfactory, being remarkable for softness of growth, lightness of yolk, and freedom from seed and burr.

The western Victorian flocks experienced a capital season up to shearing time; being of bright, light, and even growth, sound in fiber, soft, and free from burr they offered special attractions for American buyers. The wools from southeastern Riverina were nearly all up to their usual high standard. The southern and western Riverina were well grown and unusually soft and fine, many of the Cobar and Lachlan clips being soft and silky and free from seed and burr. The Messrs. Goldsbrough, Mort & Co. state that the New South Wales clip was even finer and softer than that of last year. The southwestern district clips and many from the central district, as also from New England, were sound in staple and of excellent condition. The South Australian wool was much better than that of the previous season. The fine condition of the clip was noticed very early, and a larger number of buyers attended the local sales at Adelaide than usual. A considerable quantity of greasy wool from the far north, the northeastern, and the lower Murray districts was speedily purchased, the operations being conducted with great spirit, nearly the whole of the catalogue being cleared at figures higher than

those of last season. The districts near Adelaide produced wools of excellent quality, of long staple and well and evenly grown.

An improvement was noticed in the clips from Western Australia. The extension of railway communication throughout this thinly settled but vast continent will, it is thought, greatly increase its pastoral interests. At present Western Australia, with an extent of territory embracing nearly 1,000,000 square miles, carries less than two millions of sheep. A marked improvement was noticed in the clips from Queensland and Tasmania, and the wool experts seem to be of one opinion in regard to the superb condition of the clips of these colonies.

I learn from a valuable report furnished to me by the manager of the New Zealand Loan and Mercantile Agency Company, at Christchurch, New Zealand, that the New Zealand clip, with few exceptions, was well grown and of superb quality. Owing to the mildness of the prevailing winds there was an absence of dust and sand in the wool. Some choice cross-bred wools from the Waikari, Oxford, North and South Rakaia divisions of the Canterbury districts elicited very keen competition at the London sales. They were lustrous, deep grown, of light condition, and particularly suited to the American market. An interesting fact in connection with the wool industry of New Zealand is the almost unqualified success attending the growth of cross-bred sheep in that colony. The quantity of wool from this class of sheep exported from New Zealand to London has nearly doubled since 1881, the figures being 171,000 bales in 1888 and only 91,500 in 1881. The exports of the same class of wool from Victoria declined from 93,500 bales in 1881 to 54,200 bales in 1888.

The cooler climate and more abundant rain-fall of New Zealand give that colony a very great advantage over Australia, enabling her to raise and export both wool and the finest mutton from her cross-bred sheep.

WOOL FREIGHTS.

The rates of freight during the season 1888-'89 were somewhat higher than those of last season. On July 1, 1888, the prevailing rates to London, Havre, and Bremen were $0\frac{3}{8}d.$ ($0\frac{3}{4}$ cent) to $0\frac{1}{2}d.$ (1 cent) per pound for greasy and scoured wool by steamer and sailing vessel. At the end of August the rates advanced to $0\frac{5}{8}d.$ ($1\frac{1}{4}$ cent); in September they ranged from $0\frac{3}{4}d.$ ($1\frac{1}{2}$ cent) to $0\frac{7}{8}d.$ ($1\frac{3}{4}$ cent); in October they advanced to 1d. (2 cents); in November they fluctuated between $0\frac{3}{4}d.$ ($1\frac{1}{2}$ cent) and $0\frac{7}{8}d.$ ($1\frac{3}{4}$ cent); in December they declined to $0\frac{5}{8}d.$ ($1\frac{1}{4}$ cent); in January, 1889, they were as low as $0\frac{1}{4}d.$ ($0\frac{1}{2}$ cent). They continued at this figure throughout February, rising a little in March and May, but declining again in June to $0\frac{1}{4}d.$ ($0\frac{1}{2}$ cent) per pound, the prevailing quotation at the date of this report.

SHEEP CENSUS OF AUSTRALASIA.

The number of sheep in the whole of Australasia at the close of 1888, is estimated at 96,487,811, against 95,368,400 for 1887. New South Wales heads the list with 46,503,469. New Zealand comes next with 15,042,198.

The subjoined table shows the number of sheep in each of the colonies at the close of 1871, 1881, and 1888, respectively :

Colony.	1871.	1881.	1888.
	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>
New South Wales	16,278,697	36,591,946	46,503,469
Victoria	10,002,381	10,267,265	10,805,682
Queensland	7,403,334	8,292,883	13,444,005
South Australia	4,412,055	6,810,856	7,150,000
Western Australia	670,999	1,267,912	2,112,392
Tasmania	1,305,489	1,247,479	1,430,065
New Zealand	9,700,629	12,985,085	15,042,198
Total	49,773,584	78,063,426	96,487,811

NEW SOUTH WALES SHEEP STATISTICS.

Mr. A. Bruce, chief inspector of stock for New South Wales, gives the number of "combing" merino sheep in New South Wales as 32,222,228, and the number of "clothing" as 13,348,477. I am indebted to Mr. Bruce for the following valuable table, showing the number of each class of sheep in the colony at the close of 1888:

Number of each class of sheep in the colony at the close of 1889.

Description.	Rams.	Ewes.	Wethers.	Lambs.	Total.
MERINO.					
<i>Combing.</i>					
Superfine:	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>
Pure and stud	46,755	573,657	135,258	263,155	1,018,825
Ordinary	89,192	2,128,233	1,449,331	1,149,274	4,816,030
Total					5,834,855
Medium:					
Pure and stud	79,559	1,207,765	478,137	595,203	2,360,664
Ordinary	166,689	6,586,123	3,938,508	2,887,870	13,579,190
Total					15,939,854
Strong:					
Pure and stud	50,333	893,902	512,086	422,147	1,878,468
Ordinary	91,971	4,395,539	2,472,674	1,608,867	8,569,051
Total					10,447,519
Total combing					32,222,228
<i>Clothing.</i>					
Superfine:					
Pure and stud	12,168	252,316	124,517	131,102	520,103
Ordinary	25,994	655,037	533,573	309,243	1,523,847
Total					2,043,950
Medium:					
Pure and stud	24,087	331,637	217,104	176,946	749,774
Ordinary	62,862	3,253,122	1,740,470	1,305,355	6,361,809
Total					7,111,583

Number of each class of sheep in the colony at the close of 1889.—Continued.

Description.	Rams.	Ewes.	Wethers.	Lambs.	Total.
MERINO—continued.					
<i>Clothing—continued.</i>					
Strong:	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>
Pure and stud.....	24,033	376,091	220,258	168,986	789,368
Ordinary.....	44,393	1,617,892	1,091,573	649,718	3,403,576
Total.....					4,192,944
Total clothing.....					13,348,477
Total number of merino sheep.....					45,570,705
LONG-WOOLED AND CROSS-BRED SHEEP.					
<i>Lincoln.</i>					
Pure and stud.....	3,090	31,460	25,836	21,247	81,633
Ordinary.....	3,878	66,350	45,838	31,248	147,314
Total.....					228,947
<i>Leicester.</i>					
Pure and stud.....	3,387	26,244	24,393	17,010	71,034
Ordinary.....	2,403	27,407	19,565	17,413	66,788
Total.....					137,822
<i>Downs.</i>					
Pure and stud.....	778	4,530	2,149	2,833	10,290
Ordinary.....	1,045	7,251	7,546	4,361	20,203
Total.....					30,493
<i>Romney Marsh.</i>					
Pure and stud.....	118	2,007	90	523	2,738
Ordinary.....	400	2,000	3,400	1,939	7,739
Total.....					10,477
Total number long-wooled sheep.....					407,739
<i>Crosses.</i>					
Crosses of the above breeds (long-wooled) with merino principally.....	1,607	202,447	188,039	132,932	585,025
Grand total.....					46,503,469

SEXES AND CLASSES.

	Number.
Rams.....	734,742
Ewes.....	22,641,010
Wethers.....	13,230,345
Lambs.....	9,897,372
Total.....	46,503,469

Clip.—The average weight of the clip is estimated as follows:

Description.	Lambs.	Sheep.
	<i>Lbs. Oz.</i>	<i>Lbs. Oz.</i>
Grease.....	1 11	5 6½
Creek-washed.....	1 7	3 1½
Scoured.....		2 9½

The total clip in the colony, according to the number of sheep, would be: 35,426,832 shorn in the grease, average clip 5 pounds 6½ ounces per sheep, 191,526,310 pounds; 416,779 sheep creek-washed, average clip 3 pounds 1½ ounces per sheep, 1,285,068 pounds; 875,280 sheep scoured, average clip 2 pounds 9½ ounces, 2,270,257 pounds. Lambs—6,053,509 lambs shorn in the grease, average clip 1 pound 11 ounces per lamb, 10,215,295 pounds; 23,756 lambs washed, average clip per lamb 1 pound 7 ounces, 34,149 pounds; total clip, 205,331,080 pounds.

Mr. Bruce states that the clip grown in the colony is shipped to England, America, France, Germany, and other countries from the principal ports of the neighboring colonies, as well as from New South Wales. The portion of the clip thus shipped from the other colonies is often mistaken as to the produce of those colonies.

The following table shows an estimate of the clip sent to Sydney and also the proportion sent across the boundary to Melbourne, Adelaide, and Brisbane, for the years 1887 and 1888:

Port of shipment.	1887.			1888.		
	Greasy.	Washed.	Total.	Greasy.	Washed.	Total.
	<i>Pounds.</i>	<i>Pounds.</i>	<i>Pounds.</i>	<i>Pounds.</i>	<i>Pounds.</i>	<i>Pounds.</i>
Sydney	132,855,099	2,983,730	135,838,829	148,681,473	3,410,500	152,091,973
Melbourne.....	45,922,914	1,090,073	47,012,987	38,421,221	163,327	38,584,548
Adelaide.....	16,054,563	.....	16,054,563	14,369,559	.....	14,369,559
Brisbane.....	330,189	18,667	348,856	269,352	15,648	285,000
Total.....	195,162,765	4,092,470	199,255,235	201,741,605	3,589,475	205,331,080

Of the total number of sheep in New South Wales 44,747,383 were paddocked, 1,108,774 were shepherded, 647,312 both ways. In 38 districts the sheep were said to be improving, on account of proper attendance to breeding and the introduction of high-class rams and ewes. In 14 districts they were reported to be stationary, and in 8 districts deteriorating on account of bad seasons, breeding from inferior stock, etc.

The general average of the lambing for the colony of paddocked sheep was returned at 54½ per cent. and of shepherded sheep at 39½ per cent. In 18 districts the lambing was high, in 33 districts medium to fair, and in 8 districts very low. The reason for the high percentage is, first, the favorable season, and second, in not overcrowding sheep-runs. The number of lambs shorn in the grease was 6,053,509, the number washed 23,756; total, 6,077,265. The number of sheep shorn in the grease was 35,426,832; creek-washed, 416,779; and scoured, 875,280.

Imports.—There were imported by land from the neighboring colonies into New South Wales during last year 1,054 stud and 196,116 ordinary sheep, making a total of 197,170, and by sea 3,285 stud and 692 ordinary; total, 3,977 sheep; from England and elsewhere other than Australasia, 497, of which 456 were American merino sheep sent here by way of London, as

the quarantine laws of the colonies forbid importation direct from America. The reason given for this course is that the animals may have the benefit of inspection by experts in London.

THE AMERICAN MERINO SHEEP.

The visit of Hon. W. G. Markham, president of the Wool-growers' and Sheep Breeders' Association of New York, to Australia has been the means of attracting very general attention to the benefits to be derived from the introduction of high-class American sheep. Indeed, it is almost impossible to take up an Australasian journal without finding the merits of these valuable sheep discussed. Mr. Markham introduced the Vermont wrinkled merino in 1880, with the firm conviction that this breed would be of great value to the Australasian stock. Breeders were, however, very slow to take advantage in a stud point of view.

Unfortunately, a valuable consignment of 200 sheep arrived in Sydney in 1884. They were placed in quarantine by the New South Wales Government, and after having been released and allowed to be sent into the country it was found that they were infected with the scab disease (sheep acari). The Government officials again took charge of them, and through a mistaken knowledge of the nature of the disease ordered the whole of them to be destroyed. Mr. Markham was put to great loss through the ignorance of the officials, for it was then well known to the leading sheep breeders in Australasia, as well as in America and Europe, that a mixture of lime and sulphur (hyposulphate of lime) would thoroughly eradicate the disease. Had this treatment been adopted the wholesale destruction of one of the most valuable flocks of sheep ever brought to this country would have been avoided. Strong efforts were made by me to induce the Government to compensate Mr. Markham for his loss, but for some unexplained reason I was met with persistent refusal. The officials in charge of the stock department of the Government were decided in the opinion that the sheep, under any circumstances, were of little or no value. Efforts were made to have the case settled by arbitration, but the authorities would not agree to this course, and Mr. Markham was ultimately compelled to seek relief through the supreme court. At the trial before the chief justice, Sir Frederick Darley, at the close of last year, evidence as to the great value of these sheep was given by a number of sheep breeders who had actual experience with these sheep in various parts of the colony, and the jury awarded Mr. Markham \$75,000 damages against the Government. I took great interest in the trial from the beginning to its close. Mr. Markham was warmly congratulated on the result of the case, and quite an ovation was given him on his departure for the United States in March last.

In a recent communication to the Melbourne Argus, Mr. Markham pointed out "that the stud flocks of American merino sheep, which breeders in Australia call the Vermont merino, are bred purely and exclusively from the Spanish merino imported into America from Spain between the years 1800

and 1812. By careful selections each year of individual rams and ewes possessing the desired characteristics and breeding these together the original type of Spanish merino has been changed to the wrinkly, heavy-shearing American merino."

In sections of the Southern and Western States and Territories of the United States, where wool growing is the principal industry, and where large flocks are owned, a large majority are light-shearing sheep and are indifferently covered with wool on the belly and legs. The staple of good length is often open and thin on the back and has not sufficient yolk to promote a healthy growth. This seems to be especially the case in the hot climates of the Southern States. The wool-growers there depend mostly upon the stud flocks of the Northern and Eastern States for their supply of rams, and it has been the study of breeders to produce such rams as will make the greatest improvement upon the class of sheep lacking in density of yolk, fleece, and covering of belly and legs. Rams possessing these characteristics in the most favorable degree consistent with good constitutions are always in demand for the inferior flocks.

It has been the experience of breeders that extreme density of fleece—the most important of the required characteristics—is very difficult to attain, and that the greatest success is reached with rams possessing a compact fleece, with heavy neck folds with wrinkles or corrugations of the skin. It is a well-known principle in breeding that an impressive sire must possess a strong masculine type—in the stallion or bull a heavy neck, etc. So with the ram. Not only in form, but in fleece, the ram should have a stronger fiber of wool than the ewe. The natural tendency of the merino in breeding is to revert back to the original Spanish type in which they were bred for hundreds of years. It will take very little time for a flock to deteriorate unless the best selections of males are used.

The Melbourne Argus, in an article discussing the value of the American breed, states that it is highly important that Australasian wool-growers should ascertain the actual weight of fleeces cut from pure American-bred sheep, and attention is directed to an offer made by Messrs. Reynolds & Daved, of Mulvane, Kans., in the Chicago Sheep Breeder, of a recent date, whose sheep have been for many years celebrated for their heavy fleeces. These gentlemen, hearing that many wool-growers entertained doubts as to the weight of their fleeces, proposed to deposit \$150 with the editor of the Sheep Breeder, and to any one depositing the same amount they were prepared to ship a three-year-old ram that they would guaranty to shear a fleece weighing 40 pounds of wool for three hundred and sixty-five days' growth. The ram has been shorn at the public shearings for the last two years, his first fleece weighing 22 pounds and his second 36½ pounds. If the fleece weighed 40 pounds, they were to receive \$150. For each pound less than 40, however, \$50 was to be deducted, and for each pound over 40 \$25 was to be added to the price. They would guaranty that the fleece contains nothing but what nature gave it. If found otherwise, they would make the person proving this

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a present of the ram. In addition to this they extended a cordial invitation to wool-growers to attend their public shearings.

The Melbourne Australasian, in commenting upon this proposition, says:

There are one or two interesting points in connection with the challenge of Messrs. Reynolds and Daved. To an Australian sheep breeder it is difficult to understand how a ram shearing 40 pounds of greasy wool could be bought for £30 (\$145.80). If many such animals are to be picked up, we venture to say that the importation of American sheep to Australia is at present in its infancy. Whatever prejudices Australian sheep breeders may have against the American merino, there are probably not many who would not be prepared to experiment with a ram cutting 40 pounds of wool, which could be bought for £30 (\$145.80). Another interesting point is the proposal to make the price of the ram contingent upon the quantity of wool shorn from it. This proposal is of a strictly practical and business-like nature.

Among the Australian stock owners greatly interested in the American merino are Mr. William Hay, the Messrs. McFarland, and Mr. Samuel McCauhey, the last of whom shears annually over one million sheep. Mr. McCauhey has recently returned from America, where he devoted much time in inspecting the leading stock farms in the Northern and Eastern States. During his visit there he purchased a large number of Vermont merino sheep.

The steam-ship *Port Pirie*, which arrived in Sydney on July 26, 1889, having left London on May 29, brought a consignment of these animals, and the Sydney journals contain an advertisement that fifty-four pure Vermont rams and eighteen ewes, carefully selected by Mr. E. D. Morrison, of Addison, Vt., also sixteen pure Vermont rams, carefully selected by Mr. R. D. Clark, of Addison, Vt., will be for sale.

Last year I accepted an invitation to be present at the fifteenth annual show of the Deniliquin Agricultural Society held at Deniliquin in June of the present year. My visit to the United States prevented my attendance, but I was highly gratified to learn that the principal prizes were carried off by sheep bred from American stock. The animals exhibited were station bred, of the American and Australian cross. One of these, a ram of small size from Barooga, attracted special attention on account of its superb fleece. An American-Australian ewe from Tupal also received the first prize. The judges, in awarding the prizes, stated that these fleeces were unsurpassed in length of staple, luster, density, and firmness.

It will be seen from a previous table that the total number of sheep in Australasia at the close of 1888 was 96,487,811, but in order that the value of the Australasian markets may be more prominently brought before the breeders of high-class American sheep, I append a complete table, showing the number of sheep in each of the colonies, their value, and the estimated annual cast, or number available for sale, together with the weight and value of the clip for the year ended December 31, 1888.

ANNUAL STUD SALES.

One of the chief factors in the development of the Australasian wool industry has been the establishment of annual sheep fairs in the principal centers. These fairs appear to have commenced in 1875, and have from year to

year become of more and more importance, proving a valuable educational movement. At these annual gatherings valuable lessons are taught to sheep breeders, as ample opportunity is given for comparison in the practice of wool growing.

In Sydney the meetings are held annually, in July, and animals are brought not only from Tasmania and Victoria, but from the other colonies. The sheep are sold at auction, and the sales usually last about three days. To give some idea of the extent of the sales I append a table, prepared for me by Mr. James Wilson, the able secretary of the Commercial, Pastoral, and Agricultural Association of New South Wales, showing the number of sheep sold and the value, results of the sales in Sydney from 1883 to 1889:

Year.	Sheep sold.	Value.	
	Number.		
1883.....	2,400	£47,578	\$231,538
1884.....	1,871	27,864	135,600
1885.....	1,952	26,422	128,583
1886.....	1,378	10,768	52,402
1887.....	2,287	20,647	102,479
1888.....	2,312	24,690	120,154
1889.....	3,016	23,653	115,107

The highest price paid this season for any individual sheep was £315 (\$1,533), although occasionally as much as £420 (\$2,044) and £525 (\$2,555) have been paid for choice animals.

In addition to the annual sales in Sydney similar sales have been established at Deniliquin and Mudgee, also in New South Wales. The Mudgee sales were very successful this season, and catalogued lots of twenty, forty, and eighty rams were sold. The celebrated Havilah stud of H. C. White, esq., contributed 1,025 hoggett or two-tooth flock rams, averaging £4 14s. (\$22.88) each, and 243 four-tooths at £4 11s. 6d. (\$22.27) each, besides a number of studs averaging £21 9s. 3d. (\$104.45). These sales realized a total of over £10,000 (\$48,665).

The absence of classification in pedigree stud flocks is much commented upon, and Mr. Wilson has strongly urged those interested here to adopt the system of registration similar to that of the United States American merino register and the Vermont register. These registers furnish evidence of the great importance of hereditary descent in the establishment of noted characteristics of value. The Australasian breeders are thoroughly alive to their individual interests, and have hitherto been wonderfully assisted by the climate and the richness of the natural grasses.

EXPANSION OF THE WOOL TRADE.

The prospect for the wool trade of Australasia is brighter than for many years past. It is almost impossible, considering the vast area suitable for carrying sheep, to overestimate the promise of this industry. Certainly, in one or two of the colonies, there has been little or no increase in the number

of sheep for some years past, but the reason is easily found; it is that the lands already brought into settlement have become more valuable for agricultural than for pastoral purposes, and many breeders of sheep, especially in Tasmania, find it more profitable to devote their attention to the raising of stud flocks. The very high prices paid for rams and ewes at the annual sheep sales in the different colonies, referred to previously, furnish abundant evidence of the suitability of the soil and climate for pastoral purposes.

In Queensland, where the area is five or six times greater than that of Victoria, the wool interest may be said to be only in its infancy. A large portion of the Queensland territory consists of rich, undulating downs, particularly suited for sheep and cattle raising, and even in semi-tropical parts of the continent sheep have been found, under certain conditions, to do extremely well. It is a matter of history that there has not been any falling off in the quantity of the wool exports even in seasons of extreme drought.

Mr. G. S. Campbell, manager of the New Zealand Loan and Mercantile Agency Company in Sydney, says that the wool trade in no other country is so full of promise as in Australasia. It is true enough that the industry is fairly prosperous in South Africa and South America, but in nearly every other country in the world, except Australasia, it is practically stationary. The consumption of woollen and worsted manufactures, on the other hand, is rapidly expanding year by year.

Under these circumstances, and in view of the undisputed success of the American apparatus for artesian well boring, which rapidly brings what were hitherto supposed to be vast waterless regions of the interior into profitable occupation, there seems no reason to doubt but that the wool industry of this great island continent will in the near future expand to almost unlimited proportions.

Table showing the number and estimated value of, together with the annual return from, the sheep in New South Wales, Queensland, South Australia, Tasmania, and New Zealand for the year 1888.

Colony.	Sheep.				Wool.	
	Number.	Value.	Annual cast.	Value.	Clip.	Value.
			<i>Number.</i>		<i>Pounds.</i>	
New South Wales.....	46,503,469	£15,501,156	10,773,426	£4,309,370	208,530,000	£6,951,000
Victoria.....	10,805,682	3,601,894	2,161,136	864,454	54,028,410	1,800,947
Queensland.....	13,444,005	4,481,335	2,688,801	1,075,520	67,220,025	2,240,667
South Australia.....	7,150,000	2,283,333	1,430,000	528,800	35,750,000	1,191,667
Western Australia.....	2,342,392	704,132	422,478	168,991	10,561,960	352,065
Tasmania.....	1,430,065	476,688	286,013	114,405	7,150,325	238,344
New Zealand.....	15,042,198	5,014,066	3,008,439	1,203,376	75,210,990	2,507,033
Total.....	96,487,811	*32,162,604		†8,264,916	458,451,710	†15,281,723
		*\$156,519,312.	†\$40,221,124.	†\$74,368,505.		

G. W. GRIFFIN,

Consul.

UNITED STATES CONSULATE,

Sydney, July 27, 1889.

COMMERCE AND RESOURCES OF NEW ZEALAND.

REPORT BY CONSUL CONNOLLY, OF AUCKLAND.

In transmitting the report of the trade of New Zealand for the calendar year ended December 31, 1888, according to official statistics issued by the Government, I have to state that the general movement, as compared with the preceding year (1887), shows a material increase of exports over imports, amounting to \$9,127,125. A slight advance, it is true, yet it is indicative of a healthier and more satisfactory condition of trade than has existed for several years past.

The wave of depression in all avenues of trade and commerce which passed over New Zealand during the years 1885, 1886, and 1887, sweeping almost all kinds of industries and interests before it, continued with unabated fury through the greater part of 1888. It came down upon the hitherto happy and prosperous colonists, paralyzing all industries. Capital became frightened and was locked up, all kinds of public works ceased, and labor was almost wholly unemployed. The mining industry, which heretofore was considered the main-stay of the colony for years, had almost entirely collapsed or ceased to be remunerative. Everything was at a stand-still, and remained so for two or three years.

It is pleasing, therefore, to note that now the prospects of a brighter era are gradually assuming definite shape. Confidence is being restored, money is slowly but cautiously issuing forth from its hiding-place and is being circulated more freely. Trade of all kinds has an upward tendency, while labor is hopefully looking forward to a speedy return of the good old days when wages and employment were both to be had in abundance. In this, however, I regret to say, I fear they will be disappointed. It can scarcely be expected to have a revival of those days in the near future. At least nothing approaching the unparalleled prosperity of a few years ago can reasonably be expected, unless a greater mining excitement, or a Los Angeles, Cal., land-boom should unexpectedly break loose among the populace. In this event I am not prepared to say what might be the result. The land and mineral wealth is here in abundance, and only requires the occupation of the former and the development of the latter. Until either one or both of those much-to-be-hoped-for events occur there is no immediate prospect of the condition of the New Zealand laborer being materially improved.

This is no country for the laboring man to come to at present. Employment is scarce and wages correspondingly low. But for a man with a little capital desirous of taking up land I know of no better country. Land can be purchased very reasonably, the soil is deep, rich, and mellow, and will produce abundantly. I believe, however, it is safe to predict that New Zealand, owing to her isolated situation and remoteness from the greater centers of population and markets of the world, must necessarily be slow in the de-

velopment of her vast resources and accumulation of population, unless special inducements are held out by the Government to encourage immigration and capital.

IMPORTS FROM THE SEVERAL COUNTRIES.

The following table has been prepared to afford American manufacturers and exporters an intelligent opportunity of competing with other nations for a greater portion of the trade of New Zealand.

The name, quantity, and value of each article imported from the following undermentioned countries are presented in alphabetical order. The table is necessarily a very long one, but I trust its perusal will amply repay the American manufacturers, merchants, and exporters. I am confident there are many articles enumerated in the subjoined tables that may be furnished from the United States if a determined effort is made in this direction—such articles as have not heretofore found their way into New Zealand from American ports.

Statement showing the imports from the several countries into New Zealand during the year 1888.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Australia.*</i>			
Acid:			
Acetic.....pounds...	2,379	\$92	
Carbolic.....gallons...	11	29	
Muriatic.....pounds...	1,068	92	Free.
Nitric.....do.....	96	19	Do.
Oxalic.....do.....	1,035	97	Do.
Salicylic.....do.....	62	146	Do.
Sulphuric.....do.....	764	83	Do.
Tartaric.....do.....	1,008	384	1s. per pound.
Unenumerated.....		78	Free.
Aerated waters.....dozens...	786	886	
Agricultural implements.....		2,205	Do.
Alkali:			
Soda ash.....cwt.....	244	540	
Soda—			
Carbonic.....do.....	27	83	
Bicarbonate.....do.....	23	521	1s. per cwt.
Caustic.....do.....	579	1,762	Free.
Crystals.....do.....	24	49	
Silicate.....do.....	222	506	Do.
Alum.....do.....	3	5	Do.
Animals:			
Living bees.....		73	Do.
Bears.....number...	2	195	Do.
Dogs.....do.....	2	10	Do.
Horned cattle.....do.....	16	2,599	Do.
Horses.....do.....	16	8,516	Do.
Kangaroos.....do.....	4	24	Do.
Pigs.....do.....	5	145	Do.
Poultry.....do.....	85	487	Do.
Sheep.....do.....	90	3,411	Do.
Snakes.....do.....	2	15	Do.

* NOTE BY THE DEPARTMENT.—It should be borne in mind that these imports from Australia (being simply intercolonial trade, yet paying duty on being recorded the same as imports from foreign countries) are composed largely of articles and manufactures of origin foreign to Australia—European, American, etc.—imported first into the other colonies and re-exported to New Zealand.

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Australia—Continued.</i>			
Apparel and slops.....		\$33,311	
Arms, etc.:			
Military.....number.....	100	1,668	Free.
Sporting.....do.....	288	2,472	15 per cent. ad valorem.
Pistols.....do.....	18	60	Do.
Cartridges.....do.....	12,250	151	Do.
Boats.....do.....	5	579	Free.
Bones.....tons.....	301	6,645	Do.
Birds.....number.....	9	10	Do.
Books, printed.....		158,487	Do.
Boots and shoes.....dozen pairs.....	1,438	22,191	
Do.....do.....	8	462	Do.
Boot webbing.....yards.....	822	151	Do.
Borax.....cwt.....	17	141	Do.
Bran.....centals.....	22	15	1s. per cental.
Brass.....cwt.....	10	302	Free.
Brass-ware.....		867	
Bristles.....pounds.....	28	15	Do.
Brush-ware.....		335	
Materials.....		759	Do.
Brushes.....		24	
Butter.....cwt.....	64	895	Do.
Candles.....do.....	221	900	
Canes and rattans.....bundles.....	205	326	Do.
Canvas.....		5,981	Do.
Cards, playing.....dozen packs.....	641	590	6d. per pack.
Carpeting.....		1,173	15 per cent. ad valorem.
Carriages, etc.:			
Carts.....number.....	3	720	
Perambulators.....do.....		5	
Materials for.....		701	Free.
Casks, empty.....number.....	7,172	3,509	Do.
Cement.....barrels.....	29	277	
Chains.....cwt.....	95	375	Do.
Chemical manufactures.....		4,326	Do.
Do.....		78	Do.
China, porcelain.....		705	
Cider, bulk.....gallons.....	5	5	1s. 6d. per gallon.
Clocks.....number.....	53	404	
Coals.....tons.....	101,239	178,370	Free.
Coke.....do.....	45	516	Do.
Cocoa and chocolate.....pounds.....	8,857	4,044	3d. per pound.
Cocoa beans.....do.....	112	44	1d. per pound.
Coffee, raw.....do.....	228,491	49,765	3d. per pound.
Confectionery.....		1,032	
Confectionery, boiled sugars.....pounds.....	328	78	2d. per pound.
Copper:			
Pig, bar, sheet.....cwt.....	454	5,431	Free.
Sheathing.....do.....	10	102	Do.
Ware.....		15	
Cordage.....cwt.....	334	4,563	
Galvanized iron.....do.....	30	326	Do.
Cork.....do.....	4	34	Do.
Cut.....gross.....	1,383	725	15 per cent. ad valorem.
Cotton:			
Piece-goods.....		8,555	Free.
Colored sheetings.....		1,698	Do.
Prints.....		219	Do.
Machine.....		934	Do.

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Australia—Continued.</i>			
Cotton—Continued.			
Unenumerated.....		\$3,922	Free.
Do.....		355	Do.
Cartridges.....		1,291	Do.
Cartridges, capped.....number...	18,250	78	
Dynamite.....pounds...	536	200	Do.
Dynamite detonators.....number...	14,000	112	Do.
Powder:			
Blasting.....pounds...	7,500	925	Do.
Sporting.....do.....	1,018	200	6d. per pound.
Arms:			
Unenumerated.....		5	Free.
Fuse coils.....number...	600	88	Do.
Arts, works of.....		54	Do.
Arrowroot.....pounds...	38,030	2,584	Do.
Bags and corn sacks:			
Bags.....dozens...	137,505	213,162	Do.
Flour bags.....do.....	308	516	20 per cent ad valorem.
Gunny bags.....do.....	706	1,455	Free.
Unenumerated.....do.....	250	282	15 per cent. ad valorem.
Do.....do.....	125	102	20 per cent. ad valorem.
Do.....do.....	2,589	1,582	Free.
Bark.....tons...	1,394	74,029	Do.
Basket and wicker ware.....		125	
Beer:			
Bottled.....gallons...	416	5,611	1s. 6d. per gallon.
Bulk.....do.....	5,427	136	Do.
Biscuits:			
Fancy.....pounds...	8,227	1,168	2d. per pound.
Plain.....do.....	39	263	
Do.....do.....	55	662	Free.
Blacking.....		1,197	
Black lead.....		1,513	
Blue.....pounds...	16,352	3,834	
Cotton:			
Raw.....do.....	1,145	194	Do.
Wick.....do.....	2,284	779	Do.
Curiosities.....		930	Do.
Cutlery.....		672	
Drapery.....		38,114	
Tailors' trimmings.....		7,232	
Drugs.....		29,764	
Druggists' wares.....		5,285	15 per cent. ad valorem.
Cream of tartar.....		827	1d. per pound.
Unenumerated.....		11,431	Free.
Dyes.....		4,098	
Earthen-ware.....		1,475	
Eggs.....		44	
Electroplated-ware.....		1,190	
Engine packing.....cwt...	13	238	Do.
Fancy goods.....		14,411	
Feathers:			
Ornamental.....		73	
Unenumerated.....cwt...	2	49	Do.
Fire-hose.....		78	Do.
Fire-works.....		1,169	
Fish.....cwt...	193	1,606	
Potted and preserved.....pounds...	54,496	7,329	
Flock.....cwt...	90	652	
Flour.....centals...	15,538	32,328	1s. per cental.

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Australia—Continued.</i>			
Fruits :			
Preserved .....dozens...	102	\$302	
Dried, unenumerated .....cwt...	879	6,531	
Currants .....do....	1,723	10,867	2d. per pound.
Raisins .....do....	1,521	12,614	Do.
Fresh		120,884	
Furniture.....		1,470	
Unenumerated.....		384	Free.
Do.....		886	Do.
Casaliers and chandeliers.....		886	
Gas plant.....		1,221	Do.
Glass :			
Bottles.....		6,896	Do.
Plate.....		350	15 per cent. ad valorem.
Window.....		521	2s. per 100 feet.
Glass-ware.....		1,976	15 per cent. ad valorem.
Glue.....		5	
Gold leaf.....		39	Free.
Grain:			
Beans and peas.....bushels...	114	613	9d. per cental.
Maize.....do....	58	68	Do.
Malt.....do....	426	768	2s. per bushel.
Do.....do....	335	*457	Free.
Peas, split.....cwt...	7	24	
Rice.....do....	25,468	80,667	
Wheat.....bushels...	1,368	1,070	9d. per cental.
Unenumerated.....		238	Do.
Grindery.....		58	
Unenumerated.....		3,927	Free.
Haberdashery, unenumerated.....		12,677	
Do.....		3,830	Do.
Do.....		117,531	Do.
Hair seating.....		5	Do.
Hair.....cwt...	7	131	Do.
Hardware and iron-mongery.....		11,483	
Do.....		12,331	Do.
Hats and caps :			
Straw.....		404	
Felt.....		3,430	
Silk.....		5	
Hatters' material.....		6,176	Do.
Hemp.....tons...	200	35,497	Do.
HBdes.....number...	3,698	18,405	Do.
Honey.....pounds...	120	5	Do.
Hops.....cwt...	176	6,628	6d. per pound.
Hosiery.....		2,375	
India-rubber goods.....		122	
Do.....		238	Free.
Ink :			
Printing.....		905	Do.
Writing.....		117	
Instruments :			
Musical.....number...	1	73	
Organs.....do....	18	1,522	
Piano-fortes.....do....	52	7,417	
Unenumerated.....		2,375	15 per cent. ad valorem.
Materials for.....		83	Free.
Optical.....		1,221	Do.

* Returned New York produce.

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Australia—Continued.</i>			
Instruments—Continued.			
Scientific		\$1,290	Free.
Surgical		964	Do.
Surveying		195	Do.
Iron :			
Angle	cwt. 10	39	Do.
Bar, bolt, rod	tons 11	618	Do.
Bolts and nuts	do 2	200	
Hoops		346	Do.
Galvanized	tons 1	54	36 cents per cwt.
Pipes—			
Cast	do 12	467	
Wrought	do 22	1,557	
Plate	do 31	1,961	Free.
Sheet	do 2	83	Do.
Tanks	number 20	258	
Wire fencing	tons 18	1,557	24 cents per cwt.
Barbed	do 15	575	20 per cent. ad valorem.
Wire-netting		63	Free.
Wire, unenumerated	cwt. 8	78	Do.
Do	tons 19	1,411	Do.
Isinglass	pounds 108	141	15 per cent. ad valorem.
Jams, jellies, etc.	do 6,262	599	
Jewelry		7,514	
Lamps and lanterns		1,660	15 per cent. ad valorem.
Lead :			
Pig	tons 3	287	Free.
Sheet	cwt. 30	141	
Leather	do 678	37,808	
Unenumerated	do 26	2,511	Free.
Boot uppers		24	
Manufacturers'		13,996	
Lime-juice :			
Sweetened	gallons 184	282	
Unsweetened	do 1,006	1,051	Do.
Linen manufactures		1,263	
Do		2,229	Do.
Linen, rough brown hollands		730	
Macaroni and vermicelli	cwt. 17	185	Do.
Machinery :			
Agricultural		15,018	Do.
Electric		156	Do.
Engines—			
Steam	number 1	292	
Gas	do 2	516	Do.
Parts of		968	
Flour-mills		8,443	
Quartz-crushing		7,655	Do.
Saw-mills		39	Do.
Spinning		701	
Wool-pressing		161	Do.
Unenumerated	number 1,425	11,631	
Machines :			
Sewing	do 1,425	26,254	Do.
Parts of		2,545	Do.
Manures :			
Bone-dust	tons 1,828	54,169	Do.
Guano	do 322	6,137	Do.

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Australia—Continued.</i>			
Marble:			
Wrought.....		\$1,199	
Unwrought.....tons.....	7	175	
Matches and vestas.....		1,810	25 per cent. ad valorem.
Mats and rugs.....		263	
Matting:			
China.....		15	15 per cent. ad valorem.
Unenumerated.....		331	Do.
Meats, potted and preserved.....		78	
Metal sheathing.....cwt.....	221	5,275	Free.
Milk, preserved.....		774	
Millinery.....		2,088	
Mustard.....pounds.....	2,001	316	
Nails.....cwt.....	76	487	
Naphtha.....gallons.....	6	10	12 cents per gallon.
Nuts:			
Almonds.....pounds.....	704	97	4 cents per pound.
Almonds, shelled.....do.....	368	126	6 cents per pound.
Barbary.....do.....	217	47	Free.
Unenumerated.....do.....	2,175	180	4 cents per pound.
Oars.....number.....	67	316	Free.
Oil:			
Castor.....gallons.....	7,853	4,482	12 cents per gallon.
In bottles.....		24	15 per cent. ad valorem.
Limeed.....gallons.....	132	97	12 cents per gallon.
Chinese.....do.....	2,700	1,616	Do.
Cocoa-nut.....do.....	5	5	Free.
Cod-liver.....do.....	355	258	Do.
Colza.....do.....	72	54	12 cents per gallon.
Kerosene.....do.....	22,827	6,307	Do.
Olive.....do.....	296	297	Do.
Palm.....do.....	1,520	1,007	Do.
Palm, antifriction.....do.....	33	180	Free.
Salad.....do.....		1,431	12 cents per gallon.
Whale (sperm).....do.....	5	10	15 per cent. ad valorem.
Meal:			
Mangena and corn.....		5,319	
Unenumerated.....centals.....	40	248	12 cents per cental.
Oil:			
Petroleum.....gallons.....	400	219	12 cents per gallon.
Unenumerated.....do.....	5,048	2,939	Do.
Bottle.....		307	15 per cent. ad valorem.
Do.....gallons.....	443	117	Free.
Oil and floor cloths.....		161	15 per cent. ad valorem.
Oilmen's stores.....		3,368	
Unenumerated.....		2,798	Free.
Opium.....pounds.....	923	7,310	
Paintings and engravings.....		4,797	15 per cent. ad valorem.
Paints and colors.....cwt.....	5	39	48 cents per cwt.
Mixed for use.....do.....	8	117	
Unenumerated.....do.....	192	1,951	Free.
Paper:			
Bags.....do.....	62	959	
Hangings.....		39	15 per cent. ad valorem.
Printing.....cwt.....	1,772	12,278	Free.
Wrapping.....do.....	11	200	
Writing.....		5	15 per cent. ad valorem.
Unenumerated.....		1,455	Free.
Perfumery.....		350	25 per cent. ad valorem.
Pickles.....dozen pints.....	212	282	

Statement showing the imports from the several countries, &c.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Australia — Continued.</i>			
Picture frames, etc		\$1,528	15 per cent. ad valorem.
Pipes, tobacco		2,886	Do.
Plants		2,891	Free.
Plaster of Paris.....barrels...	51	200	
Plate, silver.....		428	
Plated-ware.....		1,387	
Potatoes.....cwt...	410	472	
Printing material.....		8,735	
Provisions, preserved.....		710	
Precious stones, unset.....		3,134	
Pumps.....number...	9	1,304	
Quicksilver.....pounds...	460	321	Do.
Railway plant (unenumerated).....		776	Do.
Resin.....cwt...	761	1,557	Do.
Rugs, opossum and others.....number...	463	3,601	
Saddlery and harness.....		2,078	
Saddlers' iron-mongery.....		336	Do.
Sago.....cwt...	1,442	6,852	Do.
Salt.....tons.....	1,132	10,799	
Saltpeter.....cwt...	2	24	Do.
Sauces.....	1,290	3,421	
Sausage skins.....		4,363	
Seeds:			
Grass and clover.....bushels...	901	3,655	Do.
Unenumerated.....		3,256	Do.
Shells, unenumerated.....		15	Do.
Ship-chandlery.....		1,455	Do.
Silk piece-goods.....		2,764	
Piece-goods.....		532	Do.
Skins, furs, pelts, etc.....number...	738	86	
Slates, roofing.....do.....	8,000	118	Do.
Slabs.....do.....	5	58	Do.
Soap:			
Common.....cwt...	50	336	25 per cent. ad valorem
Fancy.....		9,246	Free.
Specie:			
Copper.....		341	Do.
Gold.....		2,457,083	Do.
Silver.....		1,947	Do.
Specimens (natural science).....		136	Do.
Spices:			
Ginger.....pounds...	6,147	1,003	
Pepper.....do.....	122,051	30,756	
Unenumerated.....do.....	8,615	3,849	
Spirits:			
Brandy.....gallons...	10,967	18,352	
Bitters, cordials.....do.....	57	287	
Geneva.....do.....	796	1,076	
Gin.....do.....	283	307	
Methylated.....do.....	125	97	
Perfumed.....do.....	9	248	5 to 10 cents per gallon.
Rum.....do.....	5,939	4,336	
Whisky.....do.....	15,443	18,984	
Unenumerated.....do.....	782	1,453	
Sponges.....pounds...	15	63	15 per cent. ad valorem.
Starch.....cwt...	313	1,942	
Stationery.....		24,335	
Do.....		4,930	Free.
Stearine.....cwt...	11	161	2 cents per pound.
Steel.....tons.....	5	360	Free.

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Australia—Continued.</i>			
Stone.....cwt...	5	\$39	20 per cent. ad valorem.
Stone, building.....do....	5	39	Do.
Stone.....tons...	19	248	5 per cent. ad valorem.
Stone-ware.....		122	
Sugar:			
Raw.....cwt...	10,592	386,576	2 cents per pound.
Refined.....do....	57,877	285,609	1 cent per pound.
Sugar, molasses, and treacle.....do....	1,482	5,937	Do.
Tapioca.....do....	5,549	31,876	Free.
Tea.....pounds...	1,081,429	251,330	
Timber:			
Laths.....number...	22,500	175	48 cents per 1,000.
Logs.....do....	1,786	23,262	Free.
Hewn.....feet...	385,612	17,681	Do.
Palings.....number...	5,000	127	48 cents per 100.
Sawn—			
Undressed.....sup. feet...	119,343	7,348	48 cents per 100 sup. feet.
Dressed.....do....	108,570	5,538	Free.
Do.....do....	490	15	Do.
Staves.....number...	250	54	Do.
Rough, shafts, spokes, etc.....do....	72,496	9,645	Do.
Shafts, dressed.....		837	15 per cent. ad valorem.
Unenumerated.....		29	Free.
Tin:			
Block.....pounds...	675	19,534	Do.
Foil.....			Do.
Sheet.....boxes...	3,282	17,518	Do.
Tin-ware.....		438	
Tinsmiths' fittings, etc.....		15	Do.
Tobacco:			
Unmanufactured.....pounds...	4,668	1,489	48 cents per pound.
Manufactured.....do....	168,111	11,615	85 cents per pound.
Cigars.....do....	28,881	51,687	\$1.70 per pound.
Cigarettes.....do....	3,300	6,287	\$1.46 per pound.
Snuff.....do....	100	24	
Tools, artificers'.....		983	Free.
Toys.....		83	
Tram-way plant.....		151	
Turpentine.....gallons...	4,004	2,978	12 cents per gallon.
Twine.....		1,801	
Unenumerated.....		1,173	Free.
Twine, reapers' and binders'.....		5,183	15 per cent. ad valorem.
Umbrellas.....		199	
Varnish.....gallons...	856	1,791	
Varnish, gold size.....do....	25	44	Free.
Vegetables:			
Fresh.....		9,465	
Preserved.....		419	
Vinegar.....		4,905	12 cents per gallon.
Water-works' material.....		5	Free.
Watches.....number...	524	5,935	
Watch-makers' material.....		555	Do.
Wine:			
In wood.....gallons...	6,538	10,863	
In bottle.....do....	1,528	3,582	
Sparkling.....do....	345	2,818	
Australian.....do....	26,988	47,380	
Wooden-ware.....		1,139	15 per cent. ad valorem.
Unenumerated.....		910	Free.
Wool, scoured.....pounds...	2,283	998	Do.

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Australia—Continued.</i>			
Woolens, unenumerated.....		\$1,883	Free.
Woolens.....		13,928	
Woolen blankets.....		2,623	
Wool packs.....dozen...	1,935	10,935	
Yarn.....		1,844	20 per cent. ad valorem
Zinc, perforated.....		5	
Goods, miscellaneous.....		24	Free.
Do.....		14,166	Do.
Total from Australia.....		5,885,930	
<i>Africa.</i>			
Wine in wood.....gallons...	120	1,469	
<i>Asia Minor.</i>			
Fruits:			
Dried.....cwt...	120	1,226	
Currants.....do.....	11	54	4 cents per pound.
Raisins.....do.....	715	5,163	Do.
Total from Asia Minor.....		6,463	
<i>Austria.</i>			
Furniture.....		5	
Hardware and iron-mongery.....		186	
Lamps and lanterns.....		10	15 per cent. ad valorem
Tin-ware.....		29	
Tools, artificers'.....		78	Free.
Wooden-ware.....		15	15 per cent. ad valorem.
Total from Austria.....		323	
<i>Belgium.</i>			
Candles.....cwt...	22	253	
Hardware, iron-mongery.....dozen p'ks...	72	199	12 cents per pack.
Hats and caps.....		161	
Cards, playing.....dozen packs...	72	199	12 cents per pack.
Machinery, flour-mills.....		195	
Nails.....cwt...	1	19	
Printing material.....		112	Free.
Starch.....cwt...	6	54	
Tobacco, cigars.....pounds...	1,539	2,083	
Tools.....		350	Do.
Total from Belgium.....		3,625	
<i>Canada.</i>			
Fancy goods.....		530	
Machinery, agricultural.....		19,432	Do.
Nails.....cwt...	9	107	
Paintings and engravings.....		83	15 per cent. ad valorem.
Total from Canada.....		20,152	
<i>China.</i>			
Birds.....number...	6	15	Free.
Basket-ware.....		10	
Biscuits:			
Fancy.....pounds...	490	24	4 cents per pound.
Plain.....cwt...	10	58	
Brush-ware and brooms.....do.....	1	39	
Candles.....bundles...	3	15	
Canes and rattans.....		10	Free.
China porcelain.....		29	
Drapery.....		857	
Drugs.....		172	

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>China — Continued.</i>			
Druggists' wares.....		\$5	15 per cent. ad valorem.
Unenumerated.....		5	Free.
Earthen-ware.....		29	
Eggs.....		268	
Fancy goods.....		3,436	
Fire-works.....		462	
Fish.....cwt...	92	1,212	
Flour.....centals...	9	45	24 cents per cental.
Fruits:			
Preserved.....dozen...	3	5	
Dried.....cwt...	19	180	
Fresh.....		5	
Furniture.....		467	
Grain:			
Beans.....bushels...	98	199	18 cents per cental.
Rice.....cwt...	7,525	19,466	
Unenumerated.....		24	Do.
Hardware and iron-mongery.....		10	
Hats and caps:			
Straw.....		5	
Silk.....		5	
Instruments, pianos.....		180	
Jam, jellies, etc.....		5	
Lamps and lanterns.....		10	15 per cent. ad valorem.
Macaroni and vermicelli.....cwt...	35	194	Free.
Matting, China.....		19	15 per cent. ad valorem.
Meal:			
Maizena.....		10	
Unenumerated.....centals...	1	5	12 cents per cental.
Meats, potted.....		112	
Nuts, unenumerated.....pounds...	88	10	4 cents per pound.
Oil:			
Chinese.....gallons...	1,823	1,385	12 cents per gallon.
Salad.....		102	15 per cent. ad valorem.
Unenumerated.....gallons...	680	234	12 cents per gallon.
In bottle.....		5	Do.
Oilmen's stores.....		1,397	
Opium.....pounds...	816	7,728	
Paintings and engravings.....		2	15 per cent. ad valorem.
Paper:			
Wrapping.....cwt...	5	25	
Unenumerated.....do.....	8	49	
Plants, shrubs, etc.....		3	Free.
Sauces.....dozen pints...	167	316	
Seeds, unenumerated.....		44	Do.
Provisions, preserved.....		579	
Silk piece-goods.....		404	
Spices:			
Ginger.....pounds...	3,011	282	
Unenumerated.....do.....	39	15	
Spirits, unenumerated.....gallons...	366	594	
Starch.....cwt...	1	5	
Stationery.....		97	
Stearine.....cwt...	38	419	2 cents per pound.
Sugar, refined.....do.....	24,678	119,433	1 cent per pound.
Sugar, molasses, and treacle.....do.....	1	5	Do.
Tea.....pounds...	2,614,970	474,888	
Tin-ware.....		10	

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>China — Continued.</i>			
Tobacco:			
Manufactured.....pounds...	785	\$219	85 cents per pound.
Cigars.....do.....	13	24	
Vegetables:			
Fresh.....		881	
Preserved.....		297	
Wooden-ware.....		24	15 per cent. ad valorem.
Goods, miscellaneous.....		10	Free.
Total from China.....		655,925	
<i>Egypt.</i>			
Fruits:			
Dried.....cwt....	66	764	
Raisins.....do.....	558	4,414	4 cents per pound.
Grain, unenumerated.....		20	18 cents per cental.
Tobacco, cigarettes.....pounds...	670	876	
Total from Egypt.....		5,074	
<i>Greece.</i>			
Coffee, raw.....pounds...	2,254	443	6 cents per pound.
Currants.....cwt....	365	8,092	4 cents per pound.
Total from Greece.....		8,535	
<i>Gibraltar.</i>			
Wine in wood.....gallons...	110	248	
<i>France.</i>			
Apparel and slops.....		1,294	
Books, printed.....		117	
Boots and shoes.....dozen pairs...	12	209	Free.
Cotton, unenumerated.....		146	
Drapery.....		2,107	
Tailors'.....		20	Do.
Fancy goods.....		686	
Furniture.....		268	
Glass-ware.....		433	15 per cent. ad valorem.
Instruments:			
Material.....		214	
Optical.....		122	
Leather.....cwt....	17	1,153	
Spirits:			
Brandy.....gallons...	18,596	46,475	
Whisky.....do.....	171	180	
Stationery.....		34	
Wine, in bottle.....gallons...	1,303	3,431	
Total from France.....		56,089	
<i>Fiji.</i>			
Apparel and slops.....		13	
Arrowroot.....pounds...	62	12	Free.
Beche-de-mere.....cwt....	45	336	Do.
Bones.....ton....	1	24	Do.
Books, printed.....		156	Do.
Brass.....cwt....	3	24	Do.
Butter.....pounds...	50	5	Do.
Casks, empty.....number...	63	170	Do.
Coffee, raw.....pounds...	734	131	6 cents per pound.
Confectionery.....		219	
Cotton, unenumerated.....		5	Free.
Curiosities.....		175	Do.
Cutlery.....		5	

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Fiji—Continued.</i>			
Earthen-ware.....		\$73	Free.
Fancy goods.....		102	
Fruits :			
Preserved (bottle)		253	
Fresh		35,097	
Fungus.....cwt...	16	136	Do.
Furniture, etc.....		73	Do.
Grain (maize).....bushels...	300	234	18 cents per cental.
Hardware and iron-mongery.....		10	Free.
Hats and caps, straw.....		5	
Hides.....number...	457	1,149	Do.
Instruments, musical, organs.....do...	9	44	
Lime-juice, unsweetened.....gallons...	8	5	Do.
Mats and rugs		5	
Matting, unenumerated.....		34	15 per cent. ad valorem.
Milk, preserved.....		34	
Nuts, cocoa.....number...	151,200	2,200	Free.
Oil, kerosene.....gallons...	12	5	12 cents per gallon.
Oilmen's stores.....		24	
Candied peel.....		5	
Paintings and engravings.....		15	15 per cent. ad valorem.
Plants and shrubs.....		15	Free.
Shells :			
Pearl.....cwt...	4	34	Do.
Unenumerated.....		15	Do.
Ship-chandlery.....		5	Do.
Skins, furs, etc.....number...	45	29	Do.
Specie, silver.....		2,433	Do.
Specimens (natural science).....		83	Do.
Spirits :			
Brandy.....gallons...	2	15	
Rum.....do...	16	24	
Whisky.....do...	3	15	
Sugar :			
Raw.....cwt...	147,456	485,132	1 cent per pound.
Refined.....do...	2,583	9,056	Do.
Sugar, molasses, etc.....do...	352	1,270	Do.
Tea.....pounds...	19,012	6,266	
Tobacco, unmanufactured.....do...	112	15	48 cents per pound.
Vegetables, preserved.....		5	
Wine :			
In bottles.....gallons...	8	29	
Sparkling.....do...	1	5	
Wool, greasy.....pounds...	3,120	350	Free.
Goods, unmanufactured.....		161	Do.
Total from Fiji		564,585	
<i>Germany.</i>			
Apparel and slops.....		1,933	
Arms, sporting.....number...	7,420	521	15 per cent. ad valorem.
Bacon and hams.....cwt...	1	19	4 cents per pound.
Basket and wicker ware.....		156	
Beer, bottled.....gallons...	288	1,742	36 cents per gallon.
Books, printed.....		545	Free.
Boots and shoes.....dozen pairs...	298	6,647	
Brush-ware and brooms.....		311	
Candles.....cwt...	110	992	
Cement.....barrels...	6	19	
China, porcelain, etc.....		257	
Clocks.....number...	13	39	

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Germany—Continued.</i>			
Cocoa, chocolate.....pounds...	2,000	\$1,436	6 cents per pound.
Confectionery.....		268	
Cotton goods.....		151	
Cutlery.....		857	
Drapery.....		1,256	
Drugs.....		183	
Dyes.....		618	
Earthen-ware.....		141	
Electroplate-ware.....		798	
Fancy goods.....		2,876	
Furniture, etc.....		92	
Haberdashery, etc.....		5	
Hardware and iron-mongery.....		667	Free.
Hats and caps (felt).....		29	
Hatters' material.....		136	Do.
Hosiery.....		34	
Inks, printing.....		156	Do.
Instruments:			
Musical—			
Piano-fortes.....number...	197	17,709	
Unenumerated.....		1,183	15 per cent. ad valorem.
Surgical.....		730	Free.
Iron:			
Tanks.....number...	39	516	
Wire.....cwt...	4	112	Do.
Lamps and lanterns.....		102	15 per cent. ad valorem.
Leather.....cwt...	7	618	
Machinery:			
Agricultural.....		256	Free.
Saw-mills.....		170	Do.
Unenumerated.....		613	
Machines, sewing.....number...	17	409	Do.
Marble, wrought.....		63	
Paintings and engravings.....		214	15 per cent. ad valorem.
Paints and colors.....cwt...	6	44	Free.
Photographic goods.....		1,114	
Pipes (tobacco).....		151	15 per cent. ad valorem.
Plants, shrubs, etc.....		29	Free.
Printing material.....		1,504	Do.
Rugs, opossum and others.....number...	1	24	
Seeds:			
Grass and clover.....		12,950	Do.
Unenumerated.....		156	Do.
Silk piece-goods.....		44	
Skins, furs, pelts, etc.....number...	72	234	Do.
Soap, fancy.....		145	25 per cent. ad valorem.
Spirits:			
Brandy.....gallons...	1,327	2,517	Do.
Bitters and cordials.....do.....	5	15	
Geneva.....do.....	6,720	4,935	
Methylated.....do.....	315	145	
Perfumed.....do.....	8	97	5 to 10 cents per gallon.
Starch.....cwt...	140	1,299	
Stationery.....		1,528	
Unenumerated.....		384	
Sugar, glucose.....cwt...	247	995	
Tobacco, cigars.....pounds...	4,648	6,326	Free.
Tools, artificers'.....		375	
Toys.....		637	
Varnish.....gallons...	10	15	

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Germany—Continued.</i>			
Varnish, gold size.....gallons...	42	\$107	Free.
Umbrella materials.....		248	Do.
Wine:			
In wood.....gallons...	277	165	
Sparkling.....do.....	120	676	
Wooden-ware.....		44	15 per cent. ad valorem.
Total from Germany.....		93,380	
<i>Great Britain.</i>			
Acid:			
Acetic.....pounds...	55,822	6,127	
Carbolic.....gallons...	1,919	1,917	
Fluoric.....pounds...	76	34	Free.
Muratic.....do.....	1,688	151	Do.
Nitric.....do.....	1,031	112	Do.
Oleic.....do.....	25	19	Do.
Oxalic.....do.....	4,265	414	Do.
Salicylic.....do.....	675	1,046	Do.
Sulphuric.....do.....	120	92	Do.
Tartaric.....do.....	112,957	45,181	1 cent per pound.
Unenumerated.....		228	Free.
Agricultural implements.....		2,479	
Aerated mineral waters.....dozen...	2,139	51,599	Do.
Alkali:			
Soda-ash.....cwt...	2,100	3,204	
Soda—			
Carbonate.....do.....	436	779	
Bicarbonate.....do.....	3,664	6,653	1 per cent. ad valorem.
Caustic.....do.....	7,172	21,247	Free.
Crystals.....do.....	14,130	12,254	Do.
Nitrate.....do.....	639	968	Do.
Silicate.....do.....	2,722	5,051	Do.
Alum.....do.....	436	900	Do.
Animals:			
Dogs.....number...	1	122	Do.
Horses.....do.....	4	3,893	Do.
Poultry.....do.....	53	326	Do.
Stoats and weasels.....do.....	1,409	18,356	Do.
Anchors.....cwt...	292	720	Do.
Apparel and slops.....		1,104,623	
Apparel, etc.....		2,753	Do.
Arms, ammunition, etc.:			
Accoutrements.....		8,293	Do.
Sporting.....number...	1,738	20,186	15 per cent. ad valorem.
Pistols, etc.....do.....	18	68	Do.
Caps, percussion.....do.....	5,684,367	5,231	2 cents per 1,000.
Cartridges.....do.....	1,058,239	6,030	15 per cent. ad valorem.
Cases, capped.....do.....	468,450	3,387	
Dynamite.....pounds...	127,300	52,495	Free.
Dynamite detonators.....number...	480,500		Do.
Fuse.....coils...	48,366	3,966	Do.
Other explosives.....		6,871	Do.
Ordnance stores.....		289,016	Do.
Powder—			
Blasting.....pounds...	266,475	25,111	Do.
Sporting.....do.....	39,940	20,697	12 cents per pound.
Shot.....cwt...	2,534	13,675	\$2.43 per cwt.
Swords.....number...	5	49	Free.
Unenumerated.....		1,489	Do.
Arts, works of, etc.....		608	Do.

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Great Britain — Continued.</i>			
Arrowroot.....pounds...	2,921	\$268	Free.
Arsenic.....cwt...	1,276	4,974	Do.
Bacon and hams.....do...	7	146	4 cents per pound.
Hams.....do...	12	277	Do.
Bags and corn sacks.....dozen...	203	195	Free.
Bags :			
Flour.....do.....	45,506	53,322	Do.
Gunny.....do.....	777	968	Do.
Unenumerated.....do.....	2,523	2,020	15 per cent. ad valorem.
Do.....do.....	14,730	20,521	20 per cent. ad valorem.
Do.....do.....	3,022	1,723	Free.
Bark, unenumerated.....tons...	49	3,645	Do.
Basket and wicker ware.....		2,920	
Beer :			
Bottled.....gallons...	207,319	208,603	30 cents per gallon.
Bulk.....do.....	303,000	16,327	4 cents per pound.
Biscuits :			
Plain.....pounds...	13,336	2,453	
Fancy.....cwt...	34	238	Free.
Unenumerated.....do.....	15	175	
Blacking.....		12,755	
Black-lead.....		12,322	Do.
Blue.....pounds...	160,834	22,040	Do.
Boats.....number...	4	474	20 per cent. ad valorem.
Books, printed.....		281,799	Free.
Boots and shoes.....dozen pairs...	43,302	656,977	Do.
Do.....do.....	1,143	13,908	Do.
Boot-webbing.....yards...	22,302	5,862	Do.
Borax.....cwt...	179	1,596	Do.
Brass.....do.....	222	920	Do.
Brass-ware.....		12,079	Do.
Bricks, bath.....number...	9,120		
Bristles.....pounds...	264	283	Do.
Brush-ware and brooms.....		200	Do.
Brush-ware :			
Materials.....		27,179	Do.
Unenumerated.....		3,027	Do.
Brushes and hair combs.....		4,018	
Buckets and tubs :			
Iron.....		4,647	
Wood.....		506	
Building materials, iron.....		1,056	Do.
Candles.....cwt...	8,062	91,408	
Canvas.....		74,150	Do.
Cards, playing.....dozen packs...	1,276	1,840	12 cents per pack.
Carpeting and drugging.....		94,600	15 per cent. ad valorem.
Carriages and carts.....number...	107	8,930	
Carriages :			
Carts, drags, and wagons.....do.....	15	1,002	
Perambulators.....		5,377	
Bicycles, etc.....number...	55	3,703	
Materials.....		40,762	Free.
Casks, empty.....number...	117	83	Do.
Cement.....		130,743	Do.
Chains.....tons...	162	14,424	Do.
Chains, cables.....cwt...	70	190	
Cheese.....do.....	25	404	20 per cent. ad valorem.
Chemical manufactures.....		66,461	Free.
Chicory.....pounds...	2,464	97	6 cents per pound.
China, porcelain.....		39,324	

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Great Britain—Continued.</i>			
Cider:			
Bottled.....gallons.....	213	\$180	30 cents per gallon.
Bulk.....do.....	349	136	Do.
Clocks.....number.....	6,368	11,315	
Coals.....tons.....	102	744	Free.
Charcoal.....cwt.....	2	19	Do.
Coke.....do.....	66	827	Do.
Coal (patent fuel).....do.....	4	24	Do.
Cocoa and chocolate.....pounds.....	250,288	110,139	6 cents per pound.
Cocoa beans.....do.....	16,086	3,393	2 cents per pound.
Coffee:			
Raw.....do.....	109,419	20,965	6 cents per pound.
Roasted.....do.....	280	83	10 cents per pound.
Confectionery.....		28,503	
Boiled sugar.....pounds.....	63,757	9,100	4 cents per pound.
Copper:			
Pig, bar, and sheet.....cwt.....	61	1,528	Free.
Rods and bolts.....do.....	716	13,509	Do.
Sheeting.....do.....	23	472	Do.
Copper-ware.....do.....	2	34	Do.
Cordage.....tons.....	85	1,163	
Unenumerated.....do.....	4	22,629	
Galvanised iron.....do.....	54	1,518	Do.
Cork.....cwt.....	115	9,450	Do.
Cut.....gross.....	71,383	1,333	15 per cent. ad valorem.
Cotton:			
Print goods.....		14,045	Free.
Colored shirtings.....		507,410	Do.
Corduroy.....		230,565	Do.
Dress prints.....		9,957	Do.
Molekins.....		26,532	Do.
Unenumerated.....		76,121	Do.
Do.....		391,150	Do.
Waste.....cwt.....	2,613	34,182	Do.
Wicking.....pounds.....	28,744	19,558	Do.
Curiosities.....		8,954	Do.
Cutlery.....		63,386	Do.
Drapery.....		1,960,254	
Tailors' trimmings.....		337,511	Do.
Drugs.....		127,176	
Druggists' wares.....		89,106	15 per cent. ad valorem.
Cream of tartar.....		62,495	2 cents per pound.
Saccharine.....gallons.....	219	2,691	10 cents per dozen.
Unenumerated.....		48,889	Free.
Dyes.....		32,157	Do.
Earthen-ware.....		119,905	Do.
Do.....		3,299	Do.
Electroplate-ware.....		21,700	Do.
Engine packing.....cwt.....	320	5,270	Do.
Fancy goods.....		269,404	Do.
Feathers:			
Ornamental.....		13,101	Do.
Unenumerated.....cwt.....	20	496	Do.
Felt sheeting.....		10,103	Do.
Fire-engines.....number.....	6	2,988	Do.
Fire-hose appliances.....		9,533	Do.
Fire-works.....		5,352	Do.
Fish:			
Dried, salted, and pickled.....cwt.....	2,692	22,926	Do.
Potted and preserved.....pounds.....	448,019	51,108	Do.

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Great Britain—Continued.</i>			
Flock.....cwt...	164	\$968	Free.
Flowers, artificial.....		2,472	
Fruits :			
Bottled.....dozen...	12	34	2 cents per dozen.
Preserved.....do.....	43	122	
Dried.....cwt...	3,636	26,464	4 cents per pound.
Currants.....do.....	19,221	110,810	Do.
Raisins.....do.....	9,192	74,457	Do.
Fresh.....		42,139	2 cents per barrel.
Furniture, etc.....		69,030	
Do.....		7,406	Free.
Casaliers and chandeliers.....		2,433	
Gas plant.....		27,632	Do.
Glass :			
Bottles.....		21,189	Do.
Plate.....		17,534	15 per cent. ad valorem.
Window.....		38,397	4 cents per 100 feet.
For church purposes.....		521	Free.
Glass-ware.....		2,850	Do.
Glue.....cwt...	490	56,023	15 per cent. ad valorem.
Gold leaf.....		5,543	5 cents per pound.
Grain :			
Pulse (barley).....bushels...	40	3,927	Free.
Pearl barley.....cwt...	124	195	2 cents per cwt.
Beans and peas.....bushels...	348	370	18 cents per cental.
Husua.....do.....	90	930	Do.
Maize.....do.....	150	117	Do.
Malt.....do.....	761	112	4 cents per cental.
Peas, split.....cwt...	1,557	1,080	
Rice.....do.....	158	3,776	
Wheat.....		506	18 cents per cental.
Unenumerated.....		43	Do.
Grindery.....		754	
Do.....		4,798	Free.
Gutta-percha goods.....		55,706	Do.
Haberdashery.....		154,930	Do.
Unenumerated.....		54,827	Do.
Sewing.....		46,825	Do.
Hair.....cwt...	237	4,716	Do.
Curled.....		1,377	Do.
Seating.....		2,725	Do.
Hardware :			
Iron-mongery.....		472,298	
Unenumerated.....		46,884	Do.
Axes, hatchets.....		302	Do.
Spades, shovels, forks.....		23,408	Do.
Hats and Caps :			
Straw.....		66,943	
Felt, etc.....		110,567	Free.
Hats, silk.....		107	Do.
Hatters' materials.....		16,356	Do.
Hemp.....tons...	3	633	Do.
Hides.....number...	2,309	11,669	Do.
Hollow-ware.....		13,057	Do.
Hops.....cwt...	260	5,845	12 cents per pound.
Hosiery.....		268,241	Free.
India-rubber goods.....		248	Do.
Unenumerated.....		13,242	Do.
Ink :			
Printing.....		12,365	Do.

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Great Britain—Continued.</i>			
<i>Ink—Continued.</i>			
Writing		\$7,149	Free.
Writing (Government use).....		969	Do.
<i>Instruments:</i>			
<i>Musical.....</i>			
Harmoniums.....number	25	1,075	15 per cent. ad valorem.
Organs.....do	21	1,791	Free.
Unenumerated.....do	2	243	Do.
Piano-fortes.....do	687	80,132	Do.
Unenumerated.....do		2,472	Do.
Materials for.....		10,609	Do.
Optical.....		9,490	Do.
Scientific.....		6,246	Do.
Surgical.....		1,032	Do.
Surveying.....		1,172	Do.
Unenumerated.....		2,448	Do.
<i>Iron:</i>			
Angle.....tons	68	161,874	20 per cent. ad valorem.
Bars, bolts, and rods.....do	4,846	20,551	
Bolts and nuts.....do	267	19	Free.
Castings.....do	1	156	
Castings (Government use).....cwt	10	328,874	
Galvanized.....tons	4,544	77,265	4 cents per cwt.
Corrugated.....do	994	2,993	30 cents per cwt.
Galvanized (sheet).....do		122	
Manufactured.....cwt	25	30,367	25 per cent. ad valorem.
Gates and gate-posts.....tons	786	983	
Hoop.....do	14	46,475	
Galvanized.....do	3,085	46,383	30 cents per cwt.
Pig.....do	1,200	31,910	Free.
Pipes and castings.....do	858	33,656	Do.
Wrought.....do	851	58,997	Do.
Plate.....do	1,808	8,857	Do.
Rails.....do	142	34,871	Do.
Railway bolts, etc.....do	741	24,279	Do.
Sheet.....			
Tanks.....number	1,911	2,813	Do.
Unenumerated.....do	326	1,343	
<i>Wire—</i>			
Fencing.....tons	4,933	198,105	2 cents per cwt.
Do.....do	131	3,820	Free.
Barbed.....do	564	43,156	4 cents per cwt.
Staples, etc.....do	110	6,896	20 per cent. ad valorem.
Reapers' and binders'.....do	4	433	Free.
Netting.....do		68,028	Do.
Unenumerated.....tons	67	5,251	Do.
Do.....do	132	14,867	Do.
Isinglass.....pounds	2,163	2,555	15 per cent. ad valorem.
Jams, jellies, etc.....do	251,319	23,646	Free.
Jewelry.....		93,145	Do.
Lamps and lanterns.....		24,700	Do.
Do.....		526	Do.
Lard.....cwt	1	29	Do.
<i>Lead:</i>			
Pig.....tons	113	8,555	Do.
Pipe.....cwt	45	200	30 cents per cwt.
Sheet.....tons	882	29,432	Free.
Leather.....do	4,112	28,225	Do.
Unenumerated.....do	90	8,366	Do.
Boot uppers.....		11,694	Do.

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Great Britain—Continued.</i>			
Leather—Continued.			
Manufactures		\$21,734	Free.
Light-house materials		185	Do.
Lime-juice :			
Sweetened	gallons... 1,646	2,448	Do.
Unsweetened	do.... 3,183	3,007	Do.
Linen :			
Manufactures		46,703	Do.
Unenumerated		36,382	Do.
Rough Hollands		26,546	Do.
Macaroni and vermicelli	cwt... 259	5,154	Do.
Machinery :			
Agricultural		91,874	Do.
Cranes, hydraulic	number... 7	49,449	Do.
Electric	do.... 3	23,043	Do.
Engines—			
Steam		18,853	Do.
Gas	number... 45	52,826	Do.
Boilers for	do.... 11	3,162	Do.
Boilers, parts of	do.... 5	3,572	Do.
For flour-mills		8,137	Do.
For quartz		63,070	Do.
Refrigerating		62,666	Do.
For saw-mills		19,914	Do.
For pumping, etc		3,017	Do.
For wool and hay pressing		28,153	Do.
Unenumerated		5,061	Do.
Machines, sewing	number... 1,429	107,559	Do.
Parts of		14,512	Do.
Manures, unenumerated	tons... 836	1,591	Do.
Marble :			
Wrought		25,865	Do.
Unenumerated	tons... 111	10,838	Do.
Matches and vestas		4,876	Do.
Mats and rugs		119,711	Do.
Matting :			
China		15,464	15 per cent. ad valorem.
Covers		4,925	Do.
Unenumerated		1,655	Do.
Meal :			
Linseed	centals... 23½	6,831	Do.
Unenumerated	do.... 22	5,235	Do.
Malt and corn		20,189	4 cents per cental.
Oaten	centals... 1	19	Do.
Unenumerated	do.... 230	2,706	
Meats, potted and preserved		5,396	Free.
Metal sheeting	cwt... 36½	5,908	
Milk, preserved		40,796	
Millinery		152,419	
Mustard	pounds... 174,843	49,093	
Nails	cwt... 32,067	88,838	
Do	do.... 108	2,222	Do.
Nuts :			
Almonds—			
In hull	pounds... 35,147	2,881	4 cents per pound.
Shelled	do.... 24,247	8,424	6 cents per pound.
Barbary	do.... 22,607	3,606	Free.
Unenumerated	do.... 58,862	3,334	4 cents per pound.
Naphtha	gallons... 430	423	12 cents per gallon
Oakum	cwt... 136	949	Free.

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Great Britain—Continued.</i>			
Oil:			
Castor		\$423	12 cents per gallon.
Do		Free.	
Do	gallons... 1,567	1,231	Free.
Bottled	do... 2,000	438	15 per cent. ad valorem.
Cocoa-nut	do... 24	6,326	Free.
Cod-liver	do... 3,224	39	Do.
Colza	do... 17,100	3,560	12 cents per gallon.
Do	do... 13,718	10,255	Free.
Kerosene	do... 1,620	8,487	12 cents per gallon.
Linseed	do... 153,221	754	Free.
Do	do... 14,000	80,954	12 cents per gallon.
Unenumerated		6,871	Do.
Olive	gallons... 26,056	20,590	
Palm	do... 12,896	7,047	Free.
Antifriction grease	cwt... 407	1,548	Do.
Paraffine	gallons... 17,000	6,886	Do.
Salad		16,046	15 per cent. ad valorem.
Whale (sperm)	gallons... 750	642	Free.
Unenumerated	do... 33,490	23,376	12 cents per gallon.
Do	do... 4,492	1,951	Free.
Do	bottles... 1,285	1,285	15 per cent. ad valorem.
Do	gallons... 967	613	Free.
Oil and other floor cloth		80,726	15 per cent. ad valorem.
Oilmen's and others, unenumerated		84,336	
Candied peel		15,694	
Opium	pounds... 120	569	
Printing and engravings		13,256	15 per cent. ad valorem.
Do		657	Free.
Paints and colors:			
Ground in oil	cwt... 8,810	52,276	4 cents per cwt.
Mixed ready for use	do... 1,124	11,373	
Unenumerated	do... 9,268	56,850	Free.
Paper:			
Bags	do... 3,774	27,067	
Hangings		74,875	15 per cent. ad valorem.
Do	cwt... 52	433	Free.
Printing	do... 44,256	265,156	
Wrapping	do... 3,456	12,546	
Do	do... 2,777	17,476	15 per cent. ad valorem.
Writing		628	Free.
Do		36,392	Do.
Unenumerated		3,475	
Perfumery		12,317	25 per cent. ad valorem.
Photograph goods		37,803	
Pickles	dozen pints... 13,496	18,755	
Picture frames, etc.		11,903	15 per cent. ad valorem.
Pipes (tobacco)		33,345	Do.
Pitch and tar		2,604	Free.
Plants, shrubs, and trees		1,465	Do.
Plaster of Paris	barrels... 52	336	
Plate, silver		6,633	
Plated-ware		21,705	
Portmanteaus, etc.		5,027	
Potatoes	cwt... 10	10	
Printing material		21,495	Do.
Provisions, preserved		3,125	
Precious stones, unset		798	
Pumps	number... 478	3,368	
Purties	cwt... 1,646	4,321	
Quicksilver	pounds... 13,026	5,932	Do.

Statement showing the imports from the several countries, etc. - Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Great Britain—Continued.</i>			
Railway plants :			
Locomotives.....number...	8	\$47,755	Free.
Trucks.....do.....	16	7,202	Do.
Unenumerated.....		34,333	Do.
Resin.....cwt.....	63	209	Do.
Rugs, opossum and other.....number...	381	3,421	Do.
Saddlery and harness.....		88,687	Do.
Saddlers' iron-mongery.....		84,765	Do.
Sago.....cwt.....	126	594	Do.
Salt.....tons.....	4,999	50,694	
Rock.....do.....	56	657	Do.
Salt-peter.....do.....	37	4,555	Do.
Sashes, window.....pair.....	1	127	Do.
Sauces.....dozen pints.....	14,263	45,507	
Sausage skins.....		1,090	
Seeds, grass and clover.....bushels...	40,041	181,496	Do.
Unenumerated.....		68,469	Do.
Shells, unenumerated.....		19	Do.
Ship-chandlery.....		13,204	Do.
Silk piece-goods.....		147,426	
Unenumerated.....		1,397	Do.
Skins, fur, and pelts.....number...	12	54	
Unenumerated.....do.....	488	1,801	Do.
Slate roofing.....do.....	203,224	8,219	
Soap :			
Common.....cwt.....	297	2,263	Do.
Fancy.....		18,400	25 per cent. ad valorem.
Specie :			
Copper.....		2,419	Free.
Galvanized.....		44	Do.
Silver.....		25,768	Do.
Specimens (natural history).....		569	Do.
Spices :			
Ginger.....pounds...	44,641	5,436	
Pepper.....do.....	3,605	973	
Unenumerated.....do.....	38,807	7,582	Do.
Spirits :			
Brandies.....gallons...	59,309	146,656	Do.
Bitters and cordials.....do.....	323	2,647	Do.
Geneva.....do.....	57,169	74,467	Do.
Gin.....do.....	15,031	20,089	\$3.52 per gallon.
Methylated.....do.....	4,137	3,134	Do.
Perfumed.....do.....	912	12,911	
Rum.....do.....	29,522	27,704	Do.
Whisky.....do.....	176,576	306,721	Do.
Spirits of whisky.....do.....	4,610	2,540	Do.
Unenumerated.....do.....	343	2,458	Do.
Sponges.....pounds...	1,942	3,859	15 per cent. ad valorem.
Starch.....cwt.....	5,317	33,209	
Stationery.....		167,792	
Do.....		24,289	Free.
Do.....		55,035	Do.
Stearine.....cwt.....	647	5,081	2 cents per pound.
Steel.....tons.....	587	35,803	Free.
Steel rails.....do.....	1,948	52,174	Do.
Stones :			
Building.....do.....	13	1,168	Do.
Flagging.....do.....	2	107	Do.
Grind-stones.....do.....	2,795	2,312	Do.
Mill-stones.....number.....	7	92	Do.

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Great Britain—Continued.</i>			
Stone-ware.....		\$852	
Sugar, refined.....cwt.....	13,753	71,554	1 cent per pound.
Glucose.....do.....	4,888	15,393	
Glucose molasses.....do.....	1,106	6,161	Do.
Sulphur.....do.....	4,311	6,458	
Tapioca.....do.....	5	39	Free.
Tea.....pounds.....	24,660	6,521	
Tarpaulins.....		3,762	
Telegraph material.....		44,115	Do.
Timber:			
Deals.....feet.....	30,540	1,071	4 cents per 100 feet.
Laths.....number.....	32,000	136	4 cents per 1,000.
Logs.....do.....	13	292	Free.
Sawn—			
Undressed.....sup. feet.....	86,647	3,032	4 cents per 1,000 sup. ft.
Dressed.....do.....	485	92	Do.
Shafts and spokes—			
Rough.....number.....	891	973	Free.
Dressed.....	248		15 per cent. ad valorem.
Unenumerated.....		779	Free.
Tin:			
Block.....cwt.....	433	11,461	Do.
Sheet.....boxes.....	22,241	100,610	Do.
Tin-foil.....pounds.....	7,432	1,353	Do.
Tin-ware.....		16,600	
Tinsmiths' fittings, etc.....		6,472	Do.
Tobacco:			
Unmanufactured.....pounds.....	25,026	6,571	85 cents per pound.
Manufactured.....do.....	449,754	125,852	Do.
Cigars.....do.....	8,749	17,787	
Cigarettes.....do.....	16,176	26,119	
Snuff.....do.....	1,452	1,280	
Tools, artificers'.....		108,630	Free.
Toys.....		10,716	
Tram-way plant.....		4,356	
Turpentine.....gallons.....	1,232	1,129	12 cents per gallon.
Twine.....		26,712	
Unenumerated.....		8,069	Free.
Reapers', etc.....		6,448	15 per cent. ad valorem.
Umbrellas, etc.....		47,289	
Umbrellas, materials.....		1,358	Free.
Varnish.....gallons.....	20,219	46,926	
Gold size.....do.....	834	1,786	Do.
Vegetables:			
Fresh.....		15	
Preserved.....		195	
Vinegar.....gallons.....	63,800	29,287	12 cents per gallon.
Water-works' materials.....		5,674	Free.
Watches.....number.....	11,632	40,353	
Watch-makers' materials.....		6,098	Do.
Wax, paraffine, mineral, etc.....cwt.....	526	3,587	3 cents per pound.
Whalebone.....do.....	14	3,295	Free.
Whiting and chalk.....do.....	6,360	2,651	2 cents per cwt.
Wine:			
In wood.....gallons.....	38,236	64,165	
In bottle.....do.....	10,705	25,252	\$1.33 per gallon.
Sparkling.....do.....	5,672	39,497	15 per cent. ad valorem.
Wooden-ware.....		8,779	Free.
Unenumerated.....		891	
Woolens.....		362,364	

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Great Britain—Continued.</i>			
Woolen blankets.....		\$63,413	
Wool-packs.....dozens.....	1,604	8,698	
Yarn.....		4,696	20 per cent. ad valorem.
Unenumerated.....		7,198	Free.
Zinc:			
Plain sheet.....cwt.....	2,686	13,415	Do.
Perforated.....		1,338	
Manufactures.....		1,095	Do.
Goods, miscellaneous.....		21,977	
Total from Great Britain.....		18,130,747	
<i>Holland.</i>			
Hats and caps.....		190	
Plants, etc.....		10	Free.
Spirits, Geneva.....gallons.....	6,790	4,935	
Tobacco:			
Unmanufactured.....pounds.....	338	375	48 cents per pound.
Cigars.....do.....	231	253	
Total from Holland.....		5,763	
<i>Hong-Kong.</i>			
Apparel and slops.....		2,681	
Bacon and hams.....pounds.....	25	5	4 cents per pound.
Basket and wicker-ware.....		19	
Biscuits.....pounds.....	1,514	122	Do.
Books, printed.....		340	Free.
Boots and shoes.....dozen pairs.....	69	550	
Brush-ware and brooms.....		180	
Candles.....		5	
Canes and rattans.....bundles.....	26	58	Do.
Carpeting.....		44	15 per cent. ad valorem.
China, porcelain.....		83	
Confectionery.....		44	
Bolled sugars.....pounds.....	484	24	
Drapery.....		88	
Drugs.....		185	
Druggists' wares.....		58	
Do.....		253	Free.
Earthen-ware.....		63	
Eggs.....		116	
Fancy goods.....		6,073	
Fire-works.....		1,240	
Fish:			
Dried, salted, etc.....		5	
Potted, preserved.....pounds.....	540	39	
Flour.....centals.....	23	83	12 cents per cental.
Fruits:			
Preserved, in bottle.....dozen.....	144	243	
Dried.....cwt.....	29	258	
Fresh.....		10	
Furniture.....		204	
Grain.....bushels.....	21	5	Do.
Rice.....cwt.....	10,675	6,960	16 cents per cental.
Unenumerated.....		29	Do.
Hardware and iron-mongery.....		2	
Hats and caps, felt.....		64	
Instruments, unenumerated.....		3	
Jam, jellies, etc.....pounds.....	72	5	
Macaroni and vermicelli.....cwt.....	33	355	Free

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty. "
<i>Hong Kong—Continued.</i>			
Manures :			
Guano.....tons...	1	\$49	Free.
Unenumerated.....do....	2	29	Do.
Mats and rugs		19	
Mattings :			
China		969	15 per cent. ad valorem.
Unenumerated.....		1,290	Do.
Meats, potted.....		253	
Nuts, unenumerated.....pounds...	631	29	4 cents per pound.
Oil :			
Unenumerated.....gallons...	2,328	1,392	
In bottle		5	
Oilmen's stores.....pounds...	441		
Opium.....do....	1,082	9,539	
Paintings and engravings.....		44	
Paints and colors.....cwt...	1	5	Free.
Paper, unenumerated.....do....	32	229	
Perfumery		5	25 per cent. ad valorem.
Plants.....		92	Free.
Plated-ware		20	
Provisions, preserved.....		263	
Rugs, opossum and others.....number...	2	15	
Sauces.....dozen pints...	342	291	
Seeds, unenumerated.....		68	Do.
Silk piece-goods.....		5,665	
Spices, copper.....		5	Do.
Spices, ginger.....pounds...	39,246	1,966	
Spices.....do....	1,107	88	
Spirits, unenumerated.....gallons...	1,017	1,041	
Tea.....pounds...	256,836	46,781	
Stationery.....		287	
Stone-ware.....		5	
Sugar :			
Refined.....cwt...	27,561	123,473	1 cent per pound.
Molasses.....do....	1	5	Do.
Tobacco :			
Manufactured.....pounds...	962	248	85 cents per pound.
Cigars.....do....	223	253	
Vegetables :			
Fresh		457	
Preserved		1,265	
Wine :			
In wood.....gallons...	72	24	
In bottle.....do....	1,160	793	
Woolen blankets.....		10	
Total from Hong-Kong.....		259,320	
<i>Italy.</i>			
Apparel and slops.....		49	
Books, printed.....		122	Free.
Drapery		5	
Furniture.....		122	
Watches.....number...	198	764	
Total from Italy.....		1,062	
<i>India.</i>			
Apparel and slops.....		730	
Arms, accoutrements.....		97	Free.
Bags and corn-sacks.....dozen...	335,709	448,419	Do.

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>India — Continued.</i>			
Bags :			
Gunny .....dozen.....	6,792	\$5,923	Free.
Unenumerated.....do.....	83	63	20 per cent. ad valorem.
Books, printed.....		15	Free.
Brass-ware.....		161	
Coffee, raw pounds.....	24,690	2,535	6 cents per pound.
Cordage.....cwt.....	354	2,394	
Cotton, unenumerated.....		5	
Drapery.....		994	
Dyes.....		1,703	Free.
Earthen-ware.....		10	
Fancy goods.....		443	
Fish :			
Dried.....		5	
Undried.....cwt.....	1	15	
Furniture.....		49	
Grain :			
Beans and peas .....bushels.....	82	112	18 cents per cental.
Linseed.....do.....	3	10	Do.
Rice .....do.....	8,185	24,065	
Hatters' material.....		146	Free.
Hemp.....cwt.....	5	49	Do.
Jewelry.....		83	
Lead, sheet.....cwt.....	2	15	
Linen manufactures.....		29	36 cents per cwt.
Matting.....		24	15 per cent. ad valorem
Oil :			
Castor.....gallons.....	87,504	44,694	12 cents per gallon.
Salad.....		5	15 per cent. ad valorem.
Unenumerated.....gallons.....	510		
Oilmen's stores.....		1,090	
Plants.....		15	Free.
Plated ware.....		170	
Sauces.....dozen pints.....	12	39	
Seeds, unenumerated.....		5	Do.
Silk piece-goods.....		5	
Specimens (illustrative science).....		54	Do.
Spices.....		97	
Tea.....pounds.....	629,182	120,105	
Jam, jellies, etc.....do.....	121	24	
Tin.....cwt.....	5	204	Do.
Tinmiths' fittings.....		5	Do.
Tobacco :			
Manufactured.....pounds.....	40	15	85 cents per pound.
Cigars.....do.....	715	503	
Watches.....number.....	1	10	
Woolens.....		44	
Wool-packs.....number.....	32,846	183,668	
Total from India.....		861,530	
<i>Japan.</i>			
Apparel and slops.....		161	
Basket-ware.....		141	
Books, printed.....		15	
Brush-ware and brooms.....		287	
Carpeting and druggeting.....		34	15 per cent. ad valorem.
Japan fancy goods.....		13,918	
Furniture, etc.....		273	
Grain (rice).....cwt.....	4,940	12,843	
Mats and rugs.....		15	

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Japan—Continued.</i>			
Silk piece-goods.....		\$745	
Spices.....cwt.....	1,560	63	
Stationery.....		15	
Tea.....pounds.....	1,668	321	
Vegetables.....		24	
Total from Japan.....		28,865	
<i>Mauritius.</i>			
Bags and sacks.....dozen.....	57	49	15 per cent. ad valorem.
Bags, unenumerated.....do.....	42	34	20 per cent. ad valorem.
Fancy goods.....		5	
Hemp.....tons.....	16	2,385	Free.
Jewelry.....		107	
Sugar, refined.....cwt.....	95,114	437,815	1 cent per pound.
Tobacco, manufactured.....pounds.....	13	5	85 cents per pound.
Total from Mauritius.....		440,400	
<i>Malta.</i>			
Tobacco.....pounds.....	585	750	85 cents per pound.
<i>Philippine Islands.</i>			
Hemp.....tons.....	100	28,576	
Silk piece-goods.....pounds.....		19	
Tobacco.....pounds.....	420	375	85 cents per pound.
Total from Philippine Islands.....		28,970	
<i>Singapore.</i>			
Coffee, raw.....pounds.....	6,495	973	6 cents per pound.
Drapery.....		10	
Druggists' wares.....		122	
Fancy goods.....		10	Free.
Fruits, preserved.....dozen.....	20	58	
Jams, jellies, etc.....pounds.....	12	10	
Specimens (natural science).....		243	Do.
Spices:			
Pepper.....pounds.....	38,914	8,881	
Unenumerated.....do.....	6,081	2,438	Do.
Tapioca.....cwt.....	2,793	14,994	
Tobacco.....pounds.....	145	229	85 cents per pound.
Sago.....cwt.....	434	1,606	Do.
Total from Singapore.....		29,574	
<i>Portugal.</i>			
Cork.....cwt.....	10	83	
Wine, in wood.....gallons.....	3,106	5,168	
Total from Portugal.....		5,275	
<i>Spain.</i>			
Wine in wood.....gallons.....	1,715	2,063	\$3.52 per gallon.
<i>Switzerland.</i>			
Drapery.....		2,711	
Tobacco.....pounds.....	863	905	85 cents per pound.
Total from Switzerland.....		3,616	
<i>South Sea Islands.</i>			
Anchors.....cwt.....	4	10	Free.
Apparel, slops.....		34	Do.
Arrowroot.....pounds.....	416	45	Do.
Basket-ware.....		5	Do.
Bones.....tons.....	3	68	

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>South Sea Islands—Continued.</i>			
Buckets and tubs.....		\$63	Free.
Bicycles.....number.....	1	97	
Carriage materials.....		5	Do.
Chains.....cwt.....	15	39	Do.
China, porcelain wares.....		15	
Coffee, raw.....pounds.....	2,670	336	6 cents per pound.
Copper sheeting.....cwt.....	6	34	Do.
Cotton:			
Dress prints.....		268	Do.
Raw.....cwt.....	79,957	11,981	Do.
Curiosities.....		243	
Drapery.....		204	Do.
Earthen-ware.....		10	Do.
Fancy goods.....		161	Do.
Fish.....cwt.....	2	24	Do.
Dried.....		35,914	
Fruits, dried, unenumerated.....cwt.....	2	29	
Fungus.....do.....	16	136	
Glass bottles.....		29	
Glass-ware.....		5	15 per cent. ad valorem.
Haberdashery.....		19	Free.
Sewing silks.....		102	Do.
Hardware, iron-mongery.....		5	Do.
Vegetables, fresh.....		34	
Wine:			
In wood.....gallons.....	47	54	Do.
Sparkling.....do.....	4	49	Do.
Hides.....number.....	45	112	
Instruments, surgical.....		68	
Jams, jellies, etc.....pounds.....	24	5	
Lamps and lanterns.....		10	15 per cent. ad valorem.
Lime-juice.....gallons.....	26,658	5,548	Free.
Machinery.....		19	Do.
Machines, sewing.....number.....	6	117	Do.
Manures, guano.....tons.....	1,550	23,656	Do.
Meal, maizena, and corn.....		5	
Meats, potted and preserved.....		5	Do.
Metal sheeting, other than copper.....cwt.....	74	487	Do.
Nuts, cocoa.....number.....	103,337	1,752	Do.
Oil:			
Whale, black.....gallons.....	5,253	2,209	
Unenumerated.....do.....	15,468	4,195	
Oilmen's stores.....		5	
Do.....		2,837	
Printing and engraving.....		10	15 per cent. ad valorem.
Perfumery.....		15	25 per cent. ad valorem.
Pumps.....number.....	1	243	Do.
Shells, pearls.....cwt.....	1,075	16,332	Do.
Skins, furs, and pelts.....number.....	12	19	
Specie, gold.....		243	Do.
Tea.....pounds.....	61	19	
Tobacco.....do.....	463	122	6 cents per pound.
Cigars.....do.....	15	15	
Cigarettes.....do.....	2	5	Do.
Tools, artificers'.....		73	
Wooden-ware.....		44	Do.
Wool, greasy.....pounds.....	8,380	959	
Woolens.....		63	Do.
Total from South Sea Islands.....		109,210	

Statement showing the imports from the several countries, etc.—Continued.

Articles and whence imported.	Quantity.	Value.	Duty.
<i>Tasmania.</i>			
Agricultural implements.....		\$219	Free.
Animals, poultry.....number...	40	49	Do.
Apparel, slops.....		127	
Arms, unenumerated.....		49	Do.
Bags, unenumerated.....dozen...	5	5	20 per cent. ad valorem.
Bark.....tons...	1,613	74,137	Free.
Basket-ware.....		190	Do.
Books, printed.....		34	Do.
Candles.....		5	
Canes and rattans.....bundles...	124	243	Do.
Carriages:			
Perambulators.....		19	
Material for.....		20	Do.
Casks, empty.....number...	1,267	803	
Cordage.....cwt...	1	5	
Curiosities.....		54	Do.
Drapery.....		190	
Druggists' wares.....		5	15 per cent. ad valorem.
Fancy goods.....		273	
Fire-works.....		170	
Flock.....cwt...	14	97	Free.
Fruits:			
Preserved and bottled.....dozen...	145	477	
Fresh.....		73,665	1 cent per pound.
Pulp, preserved.....pounds...	53,464	3,022	
Furniture, etc.....		228	
Glass-ware.....		5	
Hardware and iron-mongery.....		448	
Jam, jellies, etc.....pounds...	16,894	1,499	
Jewelry.....		29	
Leather.....cwt...	18	1,659	
Machinery, agricultural.....		243	Free.
Marble, wrought.....		63	
Meats, potted.....		73	Do.
Paintings and engravings.....		29	15 per cent. ad valorem.
Plants, shrubs, etc.....		117	Free.
Rugs, opossum and others.....number...	39	487	
Seeds, unenumerated.....		117	Do.
Shells.....		44	Do.
Silk piece-goods.....		5,665	
Skins, fur pelts.....number...	627	214	Do.
Specimens, science.....		5	Do.
Stationery.....		384	Do.
Stone, building.....cwt...	118	54	5 per cent. ad valorem.
Timber:			
Logs.....number...	1	68	Free.
Palings.....do...	207,250	5,989	48 cents per hundred.
Posts.....do...	1,975	370	\$1.94 per hundred.
Rails.....do...	6,920	540	97 cents per hundred.
Shafts, spokes—			
Rough.....do...	3,894	1,217	Free.
Dressed.....		39	15 per cent. ad valorem.
Tin, block.....cwt...	121	3,251	Free.
Wooden-ware.....		5	15 per cent. ad valorem.
Goods, miscellaneous.....		555	Free.
Tin, sheet.....boxes...	18	46	Do.
Total from Tasmania.....		167,101	

Imports from the United States.

[Showing articles, quantities, and values shipped from the east coast (New York) and west coast (San Francisco).]

Articles.	Quantity.		Value.		Duty.
	East coast.	West coast.	East coast.	West coast.	
Agricultural implements.....			\$3,708	\$506	Free.
Apparel and slops.....			3,606	507	15 per cent. ad valorem.
Arms :					
Sporting.....	44		423		Do.
Pistols, etc.....	90		59		Do.
Sporting.....		3		34	Do.
Bees.....				25	Free.
Bottled beer.....gallons...	356	48	404	49	36 cents per gallon.
Biscuits, plain.....cwt...		1		10	4 cents per pound.
Blacking.....do.....					15 and 20 p. ct. ad val.
Books, printed.....do.....			5,885	11,690	Free.
Boots.....dozen pairs...	140	59	5,334	2,688	20 per cent. ad valorem.
Borax.....cwt.....		4		29	Free.
Brass.....do.....	40		2,677		Do.
Brass-ware.....				44	15 and 20 p. ct. ad val.
Bricks, fire.....cwt...	366		58		Free and 20 p. ct. ad val.
Brush-ware and brooms.....			10,386	24	15 and 20 p. ct. ad val.
Brush and broom material.....			4,448		Free.
Brushes, hair and comb.....			5		15 and 20 p. ct. ad val.
Buckets and tubs :					
Iron.....			10		15 and 25 p. ct. ad val.
Wood.....			871		15 and 20 p. ct. ad val.
Bicycles.....packages...	28		1,309		Do.
Boiled sugar.....pounds.....		11,250		49	4 cents per pound.
Cartridges.....packages.....	55,200		316		15 per cent. ad valorem.
Cartridge cases, capped.....do.....	94,900		195		12 cents per 1,000, and 15 per cent. ad val.
Cards, playing.....dozen packages...	459	1	837	5	12 cents per package.
Carriages.....packages...	32		3,217		15 and 20 p. ct. ad val.
Carts.....do.....	14		750		Do.
Cement.....barrels.....	110		156		24 and 48 cents per barrel.
Chemical manufacture.....			9,889	58	Free.
China porcelain.....			34		15 and 20 p. ct. ad val.
Cider, bottles.....gallons...	106		131		36 cents per gallon.
Clocks.....	3,717	250	9,621	282	15 and 20 p. ct. ad val.
Coffee.....pounds...	1,298	3,846	360	521	6 cents per pound.
Roasted.....do.....		10		5	10 cents per pound.
Confectionery.....			44	1,718	15 per cent. ad val. and 4 cents per pound.
Copper.....cwt...	1		15		Free.
Copper-ware.....			29		15 and 20 p. ct. ad val.
Cordage.....cwt...	43	10	638	219	\$1.21 per cwt. and 15 per cent. ad valorem.
Cotton calicoes (white and gray).....			1,232		Free.
Cotton dress prints.....			589		Do.
Canvas.....			2,049		Do.
Curiosities.....			54		Do.
Cutlery.....			720		15 and 20 p. ct. ad val.
Dynamite.....pounds...	10,000		2,813		Free.
Doors.....number...	111		258		48 cents each.
Drapery.....			653	39	15 and 20 p. ct. ad val.
Drugs.....			20,722		15 and 25 p. ct. ad val.
Druggists' wares.....			5,918	925	15 per cent. ad valorem.
Dyes.....			258		Free.
Drugs.....				467	15 and 25 p. ct. ad val.

Imports from the United States — Continued.

Articles.	Quantity.		Value.		Duty.
	East coast.	West coast.	East coast.	West coast.	
Electroplate-ware.....			\$1,606	\$45	15 and 25 p. ct. ad val.
Engine-packing.....cwt.....	10		122		Free.
Engines :					
Boilers for.....number.....		2		200	Free and 20 p. ct. ad val.
Parts of.....				190	20 per cent. ad valorem.
For flour-mills.....				180	Free and 20 p. ct. ad val.
For quartz-crushing.....				12,283	Free.
For refrigerating.....				277	Do.
For saw-mills.....			1,460	200	Do.
Unenumerated.....			5,770	6,424	Free and 20 p. ct. ad val.
Fancy goods.....			2,292	905	15 and 20 p. ct. ad val.
Felt sheathing.....			63		Free.
Fire-hose, etc.....			579	136	Do.
Fish :					
Dried, pickled, and salted.....cwt.....	3	137	10	1,129	48 cts. and \$2.43 per cwt.
Potted and preserved.....pounds.....	37,207	311,273	4,545	45,799	2 and 4 cents per cwt.
Flour.....			10		24 cents per cental.
Fruits :					
Preserved.....dozen.....	8	3,082	39	8,803	15 and 20 p. ct. ad val.
Dried, unenumerated.....cwt.....	168	310	1,596	3,236	2 and 4 cents per pound.
Furniture.....			14,444	297	15 and 25 p. ct. ad val.
Gas plant.....			49		Free.
Glass (bottles).....			1,762		Do.
Glass-ware.....			4,253	5	15 per cent. ad valorem.
Glue.....cwt.....	13		165		3 cents per pound.
Grain :					
Barley.....bushels.....		13,619		11,986	18 and 48 cts. per cental.
Beans.....do.....		96		350	18 cents per cental.
Maize.....do.....	9	9	10	38	Do.
Wheat.....do.....				34	Do.
Grindery.....			11,115		15 and 20 p. ct. ad val.
Drugs, unenumerated.....			1,864	3,587	Free.
Hosiery.....			10		15 and 20 p. ct. ad val.
Haberdashery.....			170	234	Do.
Hardware :					
Iron-mongery.....			67,343	8,711	Do.
Axes and hatchets.....			27,365		Free.
Spades, shovels, forks.....			21,545		Do.
Hides.....number.....	50		161		Do.
Hollow-ware.....			117		15 and 20 p. ct. ad val.
Hops.....cwt.....	15	83	253	2,063	12 cents per pound.
India-rubber.....			1,027	229	15 and 20 p. ct. ad val.
Ink :					
Printing.....			418		Free.
Writing.....			253		15 and 20 p. ct. ad val.
Instruments :					
Harmoniums.....			117		Do.
Organs.....number.....	232		12,794		Do.
Piano-fortes.....do.....	1		628		Do.
Unenumerated.....			1,723	5	15 per cent. ad valorem.
Scientific.....			350	91	Free.
Surgical.....			253	618	Do.
Surveying.....			49		Do.
Iron :					
Bolts and nuts.....tons.....	7		9,879		Free and 20 p. ct. ad val.
Galvanized and corrugated.....do.....	21		1,571		48 cents per cwt.
Pig.....do.....	6	1	317	131	Free.
Tanks.....number.....		1		5	\$1.21 and 60 cents each.

Imports from the United States — Continued.

Articles.	Quantity.		Value.		Duty.
	East coast.	West coast.	East coast.	West coast.	
Iron — Continued.					
Wire fencing.....tons...	62		\$5,105		24 cents per cwt.
Barbed.....do.....	49		3,781		48 cents per cwt.
Unenumerated.....do.....	1		141		20 per cent. ad valorem.
Jams, jellies, and preserves...pounds...		480		\$39	3 and 4 cents per pound.
Jewelry.....do.....				10	15 and 20 per cent. ad val.
Lamps and lanterns.....do.....			14,949	288	15 per cent. ad valorem.
Leather.....cwt.....	702	36	38,416	1,990	1, 2, 4, 6, and 12 cents per pound.
Do.....do.....		2		105	15 and 20 per cent. ad val.
Do.....do.....	68		5,898		Free.
Uppers.....do.....			219	5	15 and 20 per cent. ad val.
Laths.....number.....	34,000		218		48 cents per 100.
Logs, hewn.....feet.....		420		59	Free.
Macaroni and vermicelli.....do.....	35		195		Do.
Machinery :					
Agricultural.....do.....			175,226	2,598	Do.
Electric.....do.....			102	180	Do.
Machines, sewing.....number.....	267	9	4,166	136	Do.
Parts of.....do.....			15	287	Do.
Marble.....do.....			1,557		Free and 20 p. ct. ad val.
Unwrought.....tons.....	43		1,567		Free and 5 p. ct. ad val.
Mats.....do.....			15		15 and 20 per cent. ad val.
Maize and corn.....do.....			19,631		12 cents per cental.
Meal, oat.....do.....			10	29	Do.
Milk, preserved.....do.....			496		15 and 20 per cent. ad val.
Materials.....do.....			17,261		
Moleskin.....do.....			10		Free.
Unenumerated goods.....do.....			2,452		10, 11, and 20 p. ct. ad val.
Do.....do.....			1,105		10, 15, and 20 p. ct. ad val.
Nails.....cwt.....	1,767		26,299		40 and 73 cents per cwt.
Nuts, almonds in shell.....pounds.....		233		44	4 cents per pound.
Oakum.....cwt.....	5		54		Free.
Oars.....number.....	2,429		1,796		Do.
Oil :					
Castor, in bottle.....do.....			49		12 cents per gallon.
Cod-liver.....gallons.....	678		905		Free.
Kerosene.....do.....	1,333,752		287,547		12 cents per gallon.
Olive.....do.....	836		603		Free and 12 cts. p. gallon.
Palm (antifriction grease)....cwt.....	1,197		2,657		Free.
Petroleum.....gallons.....	1,600		238		12 cents per gallon.
Salad.....do.....			171		15 per cent. ad valorem.
Whale —					
Black.....gallons.....	603	1,864	175	608	Free.
Sperm.....do.....	80	704	136	350	Do.
Unenumerated.....do.....	25,636	120	11,480	58	12 cents per gallon.
Unenumerated, in bottles.....gallons.....	16,827	519	7,173	185	15 per cent. ad val.
Oil and other floor cloths.....do.....			934		Do.
Oil and oilmen's stores.....do.....			7,806	1,581	20 per cent. ad valorem.
Printing and engraving.....do.....			277	306	15 per cent. ad valorem.
Paints and colors (mixed ready for use).....cwt.....	23	72	462	1,289	48 and 94 cents per cwt.
Paints, unenumerated.....do.....	38		404		Free.
Paper :					
Bags.....do.....	396	35	4,915	535	\$1.21, \$1.82, and 25 per cent. ad valorem.
Hangings.....do.....			243		15 per cent. ad valorem.
Printing.....cwt.....	40		521		Free.
Wrapping.....do.....	16	3	224	82	48 and 94 cents per cwt.

Imports from the United States — Continued.

Articles.	Quantity.		Value.		Duty.
	East coast.	West coast.	East coast.	West coast.	
Perfumery			\$5,971		25 per cent. ad valorem.
Photographic goods.....			29	\$87	Free and 25 p. ct. ad val.
Plants				277	Free.
Plaster of Paris	985		1,562		Free and 24 cts. per bbl.
Plate, silver.....			10		15 and 20 per ct. ad val.
Plate ware.....			4,360	418	Do.
Portmanteaus.....			443		Do.
Printing material.....			92	190	Free.
Provisions.....			29		Free and 15 and 20 per cent. ad valorem.
Pumps.....number...	1,471	1	6,560	15	Free and 20 p. ct. ad val.
Palings:					
Undressed deals.....sup. feet...	19,354	15,699	1,664	983	48 cents per 100 sup. feet.
Sawn dressed.....do.....	47,540		2,958		94 cents per 100 sup. feet.
Poultry.....number.....		79		1,557	Free.
Percussion caps.....do.....	2,900		49		12 cents per 100.
Powder, sporting.....pounds...	70		49		12 cents per pound.
Perambulators.....			1,036		Free and 20 p. ct. ad val.
Quicksilver.....pounds...		26,741		14,210	Free.
Railway plant:					
Locomotives.....number...	2		26,347		Do.
Unenumerated.....			24		Do.
Resin.....cwt.....	8,683		7,820		Do.
Raisins.....				2,389	4 cents per pound
Fresh.....				4,837	1 cent per pound.
Rough brown hollands.....			165		
Saddlery and harness.....			4,530	468	15 and 20 per cent. ad val.
Saddlery and iron-mongery			997		Free.
Sausage skins.....			5,543	8,492	Free and 20 p. ct. ad val.
Soda carbonate.....cwt.....		1		5	24 and 48 cents per cwt.
Shot.....do.....	31		219		\$2.43 per cwt.
Tailors' trimmings.....			165		Free.
Seeds (grass and clover).....bushels...	5,423		23,223	487	Do.
Ship-chandlery.....			1,503		Do.
Silk piece-goods				68	15 and 25 per cent. ad val.
Slates.....number...	3,750		136		Free.
Soap:					
Common.....cwt.....	65		282		85 cts. and \$1.21 per cwt.
Fancy.....			608	19	25 per cent. ad valorem.
Specie:					
Copper.....				88	Free.
Gold.....				49	Do.
Specimens (natural science)				24	Do.
Spirits:					
Perfumed.....gallons...	75		1,431		\$5.10 per gallon.
Whisky.....do.....	69		175		\$3.52 and \$3.65 per gal.
Unenumerated.....do.....	4,501		38,503		Do.
Starch.....cwt.....	272		1,484		73 cents per cwt. and 4 cents per pound.
Stationery.....			5,197	437	15, 20, and 25 p. ct. ad val.
Steel.....tons...	3		301		Free.
Stone-ware.....			267		Free and 15 and 20 per cent. ad valorem.
Stones, grinding.....number...	304		263		Free.
Sugar:					
Refined.....cwt.....	771		5,820		1 cent per pound.
Glucose.....do.....	5		29		1 and 2 cents per pound.
Sugar, molasses, and treacle.....do.....	881	8	2,973	112	1 cent per pound.

Imports from the United States — Continued.

Articles.	Quantity.		Value.		Duty.
	East coast.	West coast.	East coast.	West coast.	
Sulphur.....cwt...	512		\$642		12 and 24 cents per cwt.
Tarpaulins.....			2,565	\$394	Free and 15 p. ct. ad val.
Tea.....pounds...		71		19	8 and 12 cents per pound.
Telegraph material.....				562	Free.
Timber.....feet...	1,960		78		48 cents per 100 feet.
Staves.....number...	850		219		Free.
Shafts, spokes, etc.—					
Rough.....do.....			4,555		Do.
Dressed.....			1,426		15 per cent. ad valorem.
Buggy, etc.....			2,793		Free.
Shafts, unenumerated.....			1,640		Do.
Tin-foil.....pounds...		40		5	Do.
Tin, sheet.....boxes...		50		233	Do.
Tin-ware.....				467	15 and 25 p. ct. ad val.
Tin-smiths' fittings, etc.....			199	200	Free.
Tobacco:					
Manufactured.....pounds...	593,166		59,412		85 cents per pound.
Cigars.....do.....	1,103	82	1,723	219	\$1.46 and \$1.70 per lb.
Cigarettes.....do.....	25,831	99	37,934	151	Do.
Tools, artificers'.....			24,259	331	Free.
Toys.....			779		15 and 20 p. ct. ad val.
Tram-way plants.....			2,745		Free and 20 p. ct. ad val.
Turpentine.....gallons...	31,876	1	18,245	5	12 and 6 cts. per gallon.
Twine.....			122	5	15 and 20 p. ct. ad val.
For reapers and binders.....			6,326		15 per cent. ad valorem.
Varnish.....gallons...	1,288		1,865		12 and 36 cts. per gallon.
Gold size.....do.....	25		39		Free.
Vegetables, preserved.....			39	779	15 and 20 p. ct. ad val.
Vinegar.....gallons...	16		151		6 cents per gallon.
Water-works, materials for.....			156		Free.
Watches.....number...	1,012	1	2,161	5	15 and 20 p. ct. ad val.
Watch-makers' materials.....			156		Free.
Wine:					
In wood.....gallons...		205		200	\$1.33 and \$1.46 per gal.
Bulk.....do.....		2		10	Do.
Wooden-ware.....			21,340		15 per cent. ad valorem.
Unenumerated.....			12,463		Free.
Zinc.....			38		Do.
Goods, miscellaneous.....					Do.
Unmanufactured.....			633	204	Do.

RÉSUMÉ.

Total value of imports from east coast.....	\$1,429,320
Total value of imports from west coast.....	186,025
Grand total.....	1,615,345

Recapitulation of imports into New Zealand.

Whence.	Value.	Whence.	Value.
Australia.....	\$5,885,950	Italy.....	\$1,062
Africa.....	1,469	India.....	861,530
Asia Minor.....	6,463	Japan.....	28,865
Austria.....	323	Mauritius.....	440,400
Belgium.....	3,625	Malta.....	790
Canada.....	20,152	Philippine Islands.....	28,970
China.....	655,925	Singapore.....	29,570
Egypt.....	5,074	Portugal.....	5,275
Greece.....	8,535	Spain.....	2,063
Gibraltar.....	248	Switzerland.....	3,616
France.....	56,089	South Sea Islands.....	109,210
Fiji.....	564,585	Tasmania.....	167,101
Germany.....	93,380	United States.....	1,615,345
Great Britain.....	18,130,747	All other.....	717,995
Holland.....	5,763		
Hong-Kong.....	299,320	Total imports.....	29,709,500

EXPORTS FROM NEW ZEALAND TO THE UNITED STATES.

Table showing exports from New Zealand to the United States during the year ended December 31, 1888.

[East coast, New York; west coast, San Francisco.]

Articles.	Quantity.		Value.	
	East coast.	West coast.	East coast.	West coast.
Agricultural implements.....				\$219
Ambergris.....pounds.....		60		3,927
Apparel and slops.....				389
Arms, sporting.....number.....		4		102
Biscuits, plain.....pounds.....	25		\$5	
Books, printed.....				467
Butter.....cwt.....	6	18	117	360
Cheese.....do.....	5		5	
Coal.....tons.....		792		3,611
Coffee.....pounds.....	140		39	
Roasted.....do.....		42		15
Curiosities.....				49
Eggs.....			10	
Fancy goods.....				49
Fish, dried.....cwt.....	2		15	
Flour.....do.....	8		24	
Fruits.....dozen.....	2		5	
Fresh.....				122
Furniture.....			24	535
Glycerine.....cwt.....		56		511
Gold.....ounces.....		14,324		278,831
Grain.....bushels.....	3		15	
Oats.....do.....		151		112
Peas, split.....cwt.....	1		5	
Rice.....do.....	1		5	
Gum kauri.....tons.....	4,620	73	991,648	17,758
Hardware.....				4,107
Hides.....number.....		500		2,165
Instruments, musical.....do.....		1		97
Jams, jellies, etc.....pounds.....	48		5	

Table showing exports from New Zealand to the United States, etc.—Continued.

Articles.	Quantity.		Value.	
	East coast.	West coast.	East coast.	West coast.
Meats, potted and preserved.....cwt...	2,500		\$19	
Milk, preserved.....cwt.....			15	
Nails.....cwt.....	21		54	
Oil, kerosene.....gallons...	24		253	
Oilmen's stores.....			165	
Onions.....cwt.....	1		5	
Pickles.....dozen.....	2		5	
Plants.....				\$283
Potatoes.....tons.....	5		127	
Provisions.....			54	
Sauces.....dozen.....	3		10	
Sausage skins.....				10,740
Seeds:				
Grass.....bushels.....		366		492
Other kinds.....				97
Pelts.....number.....	9,731	89,546	1,615	14,272
Sheep.....do.....		11,050		4,195
Specie.....				243,325
Specimens (natural history).....				195
Spirits.....gallons.....		12		15
Whisky.....do.....	2	13	5	34
Stationery.....				24
Sugar:				
Raw.....cwt.....	2		10	
Refined.....do.....	2	4	10	19
Tea.....pounds.....	10	20	5	10
Tobacco:				
Manufactured.....do.....	230	79	63	44
Cigars.....do.....	9	2	10	19
Wine, bottled.....gallons...	2		10	
Wool, greasy.....pounds.....		902		146

RÉSUMÉ.

Total to east coast.....	\$1,021,600
Total to west coast.....	597,070
Grand total.....	1,618,670

THE TARIFF AND HOME MANUFACTURES.

It may be proper to state, in connection with the present New Zealand tariff system, which is modeled in part after the tariff system of the United States, that many of the colonists complain bitterly of its being unnecessarily and excessively high. It is asserted, and with much apparent justification for the assertion, that it in no wise protects their industries, for the reason that there are scarcely any to protect. It must be admitted that New Zealand is sadly deficient in manufacturing industries. Upon inquiry as to the probable cause of this, some attribute it to want of capital in the colony, while again others, whom I am inclined to believe have not given the subject any serious consideration, carelessly answer: "What do we want with manufacturing establishments when we can buy our goods as cheap if not cheaper from

the 'old country' than we could manufacture them ourselves?" This is certainly an erroneous view to take of it. They do not attach sufficient importance, or they may have overlooked the fact altogether that it is much better to provide the idle labor of the colony with employment, thereby keeping the money in circulation at home, rather than send it to England to keep the English or other foreign labor employed, while by so doing, they are deliberately taking the bread and butter out of the mouths of their own people. The Government, on the other hand, assert, and, I must confess, with some degree of plausibility, that it is absolutely necessary to the welfare and prosperity of the country to continue the present tariff system, in order to meet the accumulating obligations of the colony. Had they not collected \$6,981,955 from the customs duty last year there would have been quite a large deficit instead of the small surplus reported to the credit of the country at the end of the year.

So far as I have been able to observe, I attribute the want of manufacturing interests in New Zealand on a larger scale to lack of enterprise and forethought, rather than to any other cause. There is unmistakably a very favorable field in this colony for enterprising capitalists to engage in manufacturing, provided, however, it receive governmental protection during the years of its infancy, otherwise it would be an utter impossibility to compete successfully with the cheaper labor and products of European countries. I have no doubt, however, such protection would be willingly and cheerfully accorded by the Government if a bona fide effort were made in this direction.

NEW ZEALAND RAILWAYS.

The cost of all lines opened and operated, including cost of complete equipment and cost of wharves and harbors in conjunction with railway system, together with cost of all lines unopened, surveyed, and partially constructed, is exhibited in the following statement for June 30, 1889:

Total cost of all lines opened and operated, including wharves and harbors in connection therewith, \$74,375,935; total cost of lines unopened, surveyed, and partially constructed, \$67,364,185; total cost of all lines opened and unopened, including wharves, etc., \$141,740,120; total number of miles operated, 1,788; revenue derived monthly from above number of miles, \$389,745; operating expenses per month, \$263,300; excess of receipts over expenditure per month, \$126,445; number of miles constructed during the year, 11; average cost per mile for all lines, \$79,272.

INDUSTRIAL SCHOOLS.

The total number of children in the industrial schools of New Zealand on December 31, 1888, was 1,715, of which 1,022 were boys and 693 were girls. The population of New Zealand is only a fraction over 600,000 souls, while the number of children in December 31, 1888, in the various industrial schools of the colony was 1,715.

The following table shows the number of children belonging to the industrial schools of the colony of New Zealand for the year ended December 31, 1888, with particulars of the reasons for commitment of those admitted during the year :

Cause of commitment.	No. of boys.	No. of girls.	Total.
Destitute	42	42	84
Vagrant	10	6	16
Living in disreputable places.....	5	17	22
Uncontrollable.....	8	1	9
Guilty of punishable offenses.....	51	5	56
Transferred from other schools.....	2		2
Admitted by special arrangement.....	3		3
Total			192

This table has been prepared for comparison with the number of children in the industrial schools of the United States in proportion to population, if at any time such comparison should be deemed necessary.

POPULATION AND RESOURCES.

Table showing population of New Zealand December 31, 1888.

Description.	Male.	Female.	Total.
Estimated population, December 31, 1887 (exclusive of Maoris).....	324,558	278,803	603,361
Increase during the year 1888 :			
By births.....	9,641	9,261	18,902
By immigration.....	9,112	4,944	13,606
Total increase	18,753	13,755	32,508
Decrease during the year 1888 :			
By deaths.....	3,315	2,393	5,708
By emigration.....	15,048	7,733	22,781
Total decrease.....	18,363	10,126	28,489
Total net increase.....	390	3,629	4,019
Estimated population on December 31, 1888 (exclusive of Maoris).....	324,948	282,432	607,380
Maori population.....	22,840	19,129	41,969
Total estimated population of the colony December 31, 1888.....	347,788	301,561	649,349

The Chinese population included in this is 4,707, of whom 18 were females.

Of the number of births 577 were of illegitimate origin and 192 were twins ; total number of deaths, 5,708 ; excess of births over deaths, 13,194 ; excess of emigration over immigration, 9,175. The fact that the emigration from this colony has largely exceeded the immigration is indeed to be regretted. Yet it demonstrates conclusively that there is something radically wrong, and no doubt there is. When heads of families are compelled while yet they have sufficient means to defray the necessary expenses of trans-

portation to other countries less favored by nature than New Zealand, and when men of small capital, business men, tradesmen, and laborers of all kinds are making determined efforts to leave the colony, it is evident their condition is becoming hopeless. They see no chance for improvement in the near future; no material change can be made that will result beneficially to them, at least for the present, hence the exodus from the colony. In years gone by the Government borrowed and spent money on public works of all kinds. In those times no man wanted for work or money; every man was employed who wanted employment, and all were accumulating money more or less. Happiness and contentment reigned supreme in the land. Towns and cities were built upon an extravagant scale, in the firm belief that the reign of prosperity that existed then would continue for an indefinite period. Those who invested their capital in such enterprises were doomed to keen and, in many instances, overwhelming disappointment; fortunes were easily made and as easily lost. The wonderful and abnormal era of prosperity was of short duration after the Government ceased to borrow and expend money on public improvements. Stagnation and depression in all avenues of trade followed. Taxation was, and is, necessarily high, owing to the enormous public debt of the colony, which is in the neighborhood of \$200,000,000, while the population is only a little over 600,000. In consequence of this condition of affairs property of all kinds depreciated in value to an alarming degree. But while these unfortunate conditions existed, and do to some extent to-day, there is still a bright and happy future before New Zealand. A period of unparalleled prosperity prevailed throughout the colony, while the Government borrowed and spent millions upon millions in the development and improvement of the country. But the time arrived when a halt had to be called; borrowing must cease, else the capitalists would own the country in a few years. "Retrenchment and reform" was the slogan of the new Government. Borrowing did cease, as did nearly all kinds of public works, and, in consequence of this, great was the collapse all over the colony. This occurred about three years ago. The cessation of public works and the expenditure of public money was a terrible and unexpected shock to many of the colonists, from which they are slowly but surely recovering. There is a healthy and perceptible reaction setting in. Confidence and self-reliance are doing for the people of New Zealand now what the Government sought to do for them, and did to some extent, viz, the building up of a great and prosperous people in this the richest and fairest colony of them all, and the development of her wonderful natural resources. This the Government succeeded in doing for a brief period, but, it must be confessed, it was done at a fearful sacrifice to the material prosperity of the colony.

New Zealand's wealth is in the bowels of the earth and in her soil. All that is required is capital and confidence, determination, energy, and thrift to elevate her from her present depressed condition to a position of high commercial superiority. There is no colony or country on the face of the habitable globe more richly endowed by nature than New Zealand, so far as

climate, mineral, and agricultural resources are concerned. The climate of New Zealand is similar to that of California. The soil is wonderfully productive, especially in what is known as the South Island, while the soil of the North Island will produce abundantly anything that can be grown in a semi-tropical climate. The mineral wealth of the colony is unbounded. It is rich in all the precious metals, such as silver and gold, as well as iron, tin, and coal. All that is required is capital to develop these latent resources and a healthy system of immigration to settle upon the lands, together with continued economy in the administration of governmental affairs. I have no hesitancy in saying that I believe New Zealand will in a few years rank first among the colonies of Australasia, owing to her wonderful natural resources and climate. The present Government (Sir Henry Atkinson's) has done much to restore confidence, both at home and abroad, in the future of New Zealand.

The cities and towns of this colony are sufficiently large for a country population of several millions. What is required more than anything else is a population that will occupy the lands.

EXPORTS.

Table showing the total value of exports from New Zealand to the several countries during the year ended December 31, 1888.

Countries.	Value.	Countries.	Value.
America.....	\$1,618,670	Singapore.....	\$487
Australia.....	7,323,479	Tasmania.....	283,493
Africa.....	3,971	Pacific islands:	
Great Britain.....	27,780,498	New Caledonia.....	7,378
Bengal.....	76,309	New Hebrides.....	331
Bombay.....	146	Friendly.....	164,074
Brazil.....	42,874	Savage.....	9,601
Belgium.....	1,791	Navigator.....	72,487
Ceylon.....	326	Cook's.....	27,321
China.....	3,017	Society.....	73,375
Fiji.....	179,681	Marshall.....	29
France.....	3,329	Sandwich.....	24,878
Germany.....	20,512	Solomon.....	5
Guam.....	15,514	Suwarrow.....	7,460
Hong-Kong.....	72,187	Chesterfield.....	2,000
Japan.....	195	Wallis.....	1,056
Norfolk Island.....	16,049	Pitcairn.....	3,509
Portugal.....	141	Macquarrie.....	34

The total value of exports to all countries from New Zealand during the year ended December 31, 1888, was \$38,836,625; value of exports for the year 1887, \$34,330,845; excess of exports during the year 1888 over 1887, \$4,505,780; excess of exports over imports for 1888, \$9,127,125.

NAVIGATION OF NEW ZEALAND.

Table showing the number, tonnage, and crews of vessels of each nation entered inwards and cleared outwards during the year 1888.

ENTERED.

Nationality.	Class of vessel.	No.	Tonnage.	Crews.
American	Sailing	11	6,975	190
	Steam	18	34,902	1,825
	Total		41,877	2,015
British	Sailing	83	77,105	1,632
	Steam	47	104,915	3,720
	Total		182,020	5,352
Colonial.....	Sailing	307	86,327	2,599
	Steam	190	190,297	9,802
	Total		276,624	12,401
German	Sailing	6	2,488	55
Norwegian	do	5	4,560	72
Swedish.....	do	3	2,273	42
Danish.....	do	2	649	16
Dutch.....	do	1	394	11
Hawaiian	Steam	9	15,417	811
Chilian.....	Sailing	1	133	8
<i>Summary.</i>				
Total sailing vessels		419	180,904	4,625
Total steam vessels		264	345,531	16,158
Grand total			526,434	20,783

CLEARED.

American.....	Sailing	12	7,592	201
	Steam	18	34,902	1,831
	Total		42,494	2,032
British	Sailing	74	70,193	1,510
	Steam	35	87,678	2,999
	Total		157,871	4,509
Colonial.....	Sailing	325	93,296	2,815
	Steam	208	211,968	10,581
	Total		305,264	13,396
German	Sailing	10	4,782	94
Norwegian	do	5	3,804	67
Swedish.....	do	1	939	16
Danish.....	do	2	649	20
Chilian	do	1	173	9
Tongan.....	do	1	85	7
Hawaiian.....	do	9	15,417	811
<i>Summary.</i>				
Total sailing vessels		431	181,513	4,739
Total steam vessels		270	349,965	16,222
Grand total			531,478	20,961

TARIFF CHANGES IN NORWAY.

NEW ZEALAND MERCHANT MARINE.

Table showing the number and tonnage of sailing and steam vessels owned and registered in the colony of New Zealand on the 31st day of December, 1888.

Description.	Sailing.		Steam.		Total.	
	No.	Tons.	No.	Tons.	No.	Tons.
On hand December 31, 1887.....	388	54,425	168	39,515	556	93,967
Added to register.....	2	59	3	492	5	551
Vessels transferred from other ports during 1888.....	10	1,355	3	560	13	1,915
Other vessels.....	1	384			1	384
Total additions during the year 1888.....	13	1,798	6	1,067	19	2,865
Vessels lost at sea or otherwise disposed of during the year.....	43	20,786	8	10,721	51	31,507
Excess of deductions over additions during the year 1888.....	30	18,988	2	9,654	32	28,642
Total upon the register December 31, 1888.....	358	35,464	166	29,861	524	65,325

JNO. D. CONNOLLY,

Consul.

UNITED STATES CONSULATE,

Auckland, July 1, 1889.

TARIFF CHANGES IN NORWAY.

REPORT BY CONSUL CADE, OF CHRISTIANIA.

Few important alterations were made in the customs tariff during the last session of the Storting recently adjourned. It was expected that the great question of free-trade or protection would come before that body, where the protective policy had many advocates, but the vast material prepared by the different committees appointed to report on the question made a thorough investigation necessary, and the final solution of the question was put off until next year. On a few articles, not included in the great principle of protection, such as currants, figs, oranges, hops, and spices, the duties were somewhat raised, but the increase of duty on tea from 1.60 to 2 kroners (1 kroner = 26.8 cents) per kilogram (1 kilogram = 2.205 pounds) was a more serious affair. The rates of tare on some other articles were altered and reduced, as, for instance, on coffee in barrels to 8 per cent., butter to 18 per cent., cigars and cigarettes to 27 per cent., and on sugar to 12 and 9 per cent. By this reduction of tare the treasury will gain about 80,000 kroners on the single article of sugar. On the other hand, the reduction of the import duty on sugar from 41 to 40 öre (100 öre = 1 kroner) per kilogram will probably cause an annual loss of 115,000 kroners. It was even proposed to reduce the duty on sugar to 20 öre per kilogram, but the proposition was rejected by a large majority. The Government desired to reduce the import duty on salt from 28 to 18 öre per hectoliter (1 hectoliter = 2.838 bushels) and the export duty on lumber from 33 to 20 öre per cubic meter for lengths below 19

decimeters (shorter lengths do not pay any duty), but the propositions fell through. The loss on the lumber duty would have been nearly 150,000 kroners a year, but the tariff committee urged that the entire removal of this export duty was only a question of time, and would probably be effected the very next year, when a general revision of the tariff was to be made. In connection with the tariff the existing laws on taxation may then also undergo some alteration.

CONTEMPLATED TAX CHANGES.

There is no direct tax on income or property in Norway, and the revenues of the Government are chiefly derived from import duties, especially on the three articles sugar, coffee, and petroleum. Direct taxes have hitherto been avoided, from their extreme unpopularity, but they will doubtless soon be introduced to meet the increasing demand of the people, and especially of the laboring classes, to be relieved of the heavy duties on sugar and coffee, as well as to cover the expenses connected with the introduction into criminal cases of the jury system, a bitterly discussed topic here, besides new outlays for the army and the public schools.

The last Storthing made a so-called reform in the customs service, chiefly consisting of a reduction in the salaries and the number of customs officers, a measure which will hardly prove of ultimate benefit to the treasury.

POLITICAL CHANGES.

Five years ago the liberal, or often styled radical, majority in the Storthing succeeded in having their political opponents in the Government impeached before the high court of the Kingdom, whose judges were partly appointed by themselves, and sentenced to forfeit their seats. Since then the majority has been dwindling down to a small minority, and their former leader with his whole cabinet was some days ago obliged to hand the Government over to a new conservative ministry.

GERHARD GADE,
Consul.

UNITED STATES CONSULATE,
Christiania, July 16, 1889.

ITALIAN EMIGRATION.

REPORT BY VICE-CONSUL-GENERAL WOOD, OF ROME.

I have the honor to report that an official tabular statement has just been made public by the Italian general bureau of statistics in this capital, from which it appears that the number of Italian emigrants to foreign countries during the three months ended March 31, 1889, aggregated 71,293 persons, and that there was a decrease of 10,447 emigrants, as compared with the first three months of 1888, when the total amounted to 82,351 persons.

No information is given as to the sex and occupations of emigrants, or as to the countries to which they were directed, but the districts from which they came and the respective numbers were as follows :

Districts.	Number of emigrants for 3 months ended March 31—	
	1889.	1888.
Piedmont.....	7,133	1,282
Liguria.....	1,191	1,481
Lombardy.....	7,707	6,406
Venetia.....	39,540	43,311
Emilia.....	3,130	1,303
Tuscany.....	1,890	2,114
The Marches.....	656	544
Umbria.....	11	19
Rome.....		
Abruzzi and Molise.....	2,270	5,144
Campania.....	2,762	9,075
Puglie.....	548	602
Basilicata.....	1,100	2,632
Calabria.....	2,352	4,025
Sicily.....	1,622	1,381
Sardinia.....	11	32
Total for the Kingdom.....	71,923	82,351

Unfavorable news concerning the present condition of Italian emigrants in some of the countries of North and South America (especially Brazil), and the recent emigration act of Italy, by which agents are required to take out licenses, under bonds, are among the chief causes to which the falling off in emigration from the Kingdom during the first three months of 1889 may be attributed.

CHARLES M. WOOD,
Vice-Consul-General (in charge).

UNITED STATES CONSULATE-GENERAL,
Rome, August 9, 1889.

American hemlock leather in Germany.—Consul Wamer, of Cologne, under date of August 15, reports that the Coblenz chamber of commerce, in its report for 1888, in commenting on the German leather industry, says in substance the following regarding the trade, and American hemlock leather in Germany :

In order to promote the home industry, especially the sole-leather industry, the small farmers, as well as the large manufacturers, have endeavored to deliver only the best qualities, and almost exclusively oak-bark tanned leather. The purchaser has also learned to distinguish between oak-bark tanned leather and the extract tanned leather, so that the inferior American hemlock leather, which, owing to its cheapness, had competed sharply with the German leather industry, scarcely finds now any more purchasers. In North Germany the American hemlock leather had formerly been freely purchased, but now it has almost entirely disappeared from that market.

IMPORTS AT HAMILTON, ONTARIO, FROM THE UNITED STATES.

REPORT BY CONSUL ROBERTS.

A tabular statement from official records, appended to this report, shows the value of dutiable goods imported into Canada at the port of Hamilton for the fiscal year ended June 30, 1889, and supplies to merchants and manufacturers in the United States information in detail as to the character of merchandise of American origin finding a market in this part of the province of Ontario. It will be observed that the heaviest importations are of brass manufactures, breadstuffs, clocks, watch movements, coal and coke, cotton, drugs, fish, fruits, glass-ware, hats and caps, iron manufactures, paper manufactures, and provisions.

IMPORTS IN DETAIL.

Breadstuffs.—Nearly \$40,000 worth of breadstuffs were imported, showing a material increase over the imports of the two preceding years. These imports include biscuits, crackers, ginger-snaps, cracked wheat, white corn meal, canned corn and other cereals, baking-powders, starch, flour, etc. The millers' associations of Ontario are bringing influences to bear to induce the Dominion Government to increase the duty on American flour. As the wheat yield of the province this year will show a surplus over what is required for home consumption, the importation of flour from the United States is likely to be reduced regardless of the proposed increased import.

Brass manufactures.—Sheet-brass and manufactures of brass to the value of \$20,000 were imported from the United States during the year. The latter consisted chiefly of plumbers' goods, lamps, hinges, locks, rods, nuts, chandeliers, etc.

Coal and coke.—The importation was less this year than for two years previous. Accumulated stocks were left over, and a larger amount of wood fuel was used. There is now no duty on anthracite coal, but a duty of 60 cents per ton is still maintained on bituminous coal as a protection to Nova Scotia coal, which, however, comes no further west than Kingston. A duty of 50 cents per ton is also laid on coke and coal-dust, or screen, and it is held by the protection advocates that the manufacturers, who are heavily protected on their wares, can afford to contribute this much towards the Government revenues on the steam coal and coke used by them.

Cotton and cotton fabrics.—There was a slight decrease in the year's importation of cotton fabrics from the United States, hence factories are better supplying the market, and the imports from England show an increase. The present high price of raw cotton serves as a temporary check upon its importation. The two large mills in Hamilton and one in the suburban town of Dundas consumed during the year \$22,257 worth of raw cotton from the
No. 108, September—5.

Southern States and cotton-waste from Utica, N. Y. The latter is quite largely imported, and the economies are closely studied in its utilization, as in that of raw cotton. The cotton is woven into cloth, druggists' twine, lamp-wick, and fine webbing, while every particle of the waste is consumed in one profitable way or another, and that which can not be used here is returned to the States, where it is bleached and worked up into New England comforts, or coverlids, and horse blankets. The coarser waste is used in the States for upholstering and saddle-packing. Thousands of pounds of the Utica waste are worked up by the Hamilton Cotton-Mill Company into haltar-webbing and surcingles, lamp-wicks and grocers' twine, tapes, and carpet bindings of variegated hues. The lamp-wicks are labeled "American" to catch the popular fancy for imported goods.

Fish.— Nearly \$29,000 worth of fresh and salted fish were imported during the year, chiefly boneless canned fish—haddock, cod-fish, and oysters—and fresh lake fish.

Fruits.— Over \$28,000 of fruits and nuts were imported from the United States—the fruits coming generally from the tropics, except melons, peaches, and strawberries.

Glass-ware.—The importations to the extent of near \$37,000 in values were made up for the most part of table glass-ware. There is a factory for making this class of goods at Montreal and one in Nova Scotia. There would seem to be an inviting field for an enterprise of this kind in this province.

Hats and caps.—Probably nine-tenths of the hats and caps sold in Canada are of foreign make. Merchants do not seem inclined to handle Canadian-made hats, for the alleged reason that, as a rule, larger profits are made on imported than on domestic goods. Cheap and good straw hats are made in Canada, and these are sold by all dealers; but the finer class of silk and beaver and stiff hats are imported mainly from England and the United States. The imports at Hamilton from the United States for the fiscal year ended June 30, 1889, were to the value of \$10,000.

Iron and iron manufactures.—The imports at this port during the year amounted in value to \$235,201, consisting largely of tools, builders' hardware, small agricultural implements, cast-iron, hollow-ware, granite and enameled sheet-iron vessels, machinists' tools, etc. Canadian factories are vigorously competing with American makers in builders' hardware. The lock manufactory at Peterborough, Ontario, largely supplies the home demand for many varieties of locks and fastenings. A factory in Hamilton also manufactures locks and scales. There is a factory in Galt, owned by an American company, which is run to its full capacity supplying circular and hand saws, some of which are exported to the States. About 15,000 tons of pig-iron are used here annually. Charcoal pig is imported from Detroit and other points in the United States, generally direct by consumers. Taking into consideration the cost of imported steam coal, the abundance of wood, and the heavy protection on iron, it is remarkable that the experiment of charcoal

blast furnaces is not attempted in this province. In some of the stove foundries here (Londonderry, N. S.) iron is used to mix with others in the ratio of about one to four. It is a slaggy iron, but it adds to the strength of castings. English and Scotch pig are also imported. A flourishing American company here—the Ontario Rolling-Mills Company—utilizes all the scrap-iron in this part of the province in mills here and at Toronto. They export to the United States many thousands of tons of rolling-mill scale and cinder. Besides merchant bar iron they make nails, which find a market throughout Canada. The Providence Screw Company supplies screws to builders and dealers throughout the Dominion. The numerous stove foundries in this city consume large quantities of iron. Iron pipe makers are protected by a duty of 30 per cent., else they would not be able to compete with factories in the States, where fuel is cheaper.

Paper manufactures.—Near \$30,000 of paper and paper manufactures were imported from the United States during the year. The bulk of this was wall-paper and flat papers. Fifty per cent. of the writing-papers comes from the New England mills, and 90 per cent. of the wall or room papers sold in Hamilton are made in the United States.

Provisions.—Nearly \$70,000 worth of provisions were brought in from the United States the past year, and nearly one-half of this was Chicago lard of the cheap and adulterated quality, which can be had here at $9\frac{1}{2}$ to 10 cents laid down, as against 14 cents for Hamilton lard of a purer quality. Other classes of imported provisions are breakfast bacon and hams, canned meats, sugars, coffees, and teas. Dried fruits are also largely imported, and the California products appear to be growing in favor. Sweet-potatoes are imported in limited quantities, in spite of an impost of 20 per cent., which seems almost a prohibitory duty upon an excellent and wholesome food, and an unnecessarily exclusive tariff upon a product not grown in Canada. They are sold by weight at about $6\frac{1}{4}$ cents per pound. There is a very large grocery trade at this point. Last year's estimated sales, exclusively among wholesale dealers, aggregated over \$10,000,000.

TRADE PROSPECTS.

With good harvests throughout Ontario the trade prospects for the ensuing year are promising. Timely and abundant rains in the spring and early summer have produced good crops, especially of grains and grasses. The bulletin of the Ontario bureau of industries up to the 20th of July, compiled from the assessor's lists, shows the acreage of fall wheat to be 822,115, with an estimated yield of 19,132,007 bushels, or 23.3 bushels to the acre; and of spring wheat 398,610 acres, with an estimated yield of 7,699,642 bushels, or 19.3 bushels to the acre, making an aggregate yield of nearly 27,000,000 bushels. Assuming that one-half of this will be needed for home consumption and seed, there is an estimated surplus for export of 13,500,000 bushels. The barley estimate is 26,539,517 bushels, or 30.3 bushels to the acre; oats, 73,663,061 bushels, or 38.2 bushels to the acre; rye, 1,722,556 bushels, or

19.1 to the acre; peas, 15,439,132 bushels, or 21.8 to the acre; hay, 3,748,229 tons, or 1.56 tons to the acre.

Taking average prices at local markets for a basis, the values of the respective yields are estimated: Wheat, \$21,000,000; barley, \$13,000,000; oats, \$24,000,000; rye, \$1,000,000; peas, \$9,000,000; hay, \$35,000,000. The total area in crop is 7,776,133 acres, about 40,000 acres over the average for the past seven years. The large hay yield, supplying a superabundance of stock feed, is likely to reduce the live stock export the ensuing year.

The value of farm property for this and the preceding year is given in the following table:

Articles.	1889.	1888.
Land.....	\$632,329,433	\$640,420,801
Buildings.....	192,464,237	188,293,266
Implements	51,685,706	49,754,832
Live stock.....	105,731,288	102,839,235
Total	982,210,604	981,368,094

TRANSPORTATION FACILITIES.

The need of better transportation facilities to enable Hamilton to successfully compete with Toronto is recognized by its more progressive citizens. At least three new railways are projected. The South Ontario Pacific will shortly be constructed, connecting Hamilton with the system of the Canadian Pacific Company and with lines in the Eastern and Western States. Another projected road to the north will give a shorter route to Sault Ste. Marie and to Winnipeg by way of Sudbury. Still another road is to be built, in connection with the Vanderbilt system, from Welland and Waterford to Hamilton, and from Hamilton to Toronto.

The navigation returns for the past season show that the number of entries registered at this port, exclusive of the regular passenger vessels, was 168, principally coaling schooners, and they brought in 65,923 tons of coal. Six propellers are owned here and five or six sailing vessels, besides the passenger boats of the Hamilton Steam-boat Company.

The manufacturing and mercantile enterprises of Hamilton are in a flourishing condition. A trades procession during the last week of the past month exhibited the industrial resources of the place to a remarkable degree in its magnitude and variety of home-made goods and with a lavish expenditure in display and confident enthusiasm, giving promise of an assured commercial future. Few cities in the Dominion are showing such healthy signs of progress.

DUTIABLE IMPORTS.

Value of goods imported at the port of Hamilton from the United States for the fiscal year ending June 30, 1889.

Articles.	Value.	Rate of duty.
Ale, beer, etc., in bottles.....	\$2,005	18 cents per gallon.
Animals.....	3,771	20 per cent.
Baking-powder.....	3,197	6 cents per pound.
Belts and trusses.....	352	25 per cent.
Belts, except church.....	1,696	30 per cent.
Bird-cages.....	423	Do.
Blacking.....	836	
Bluing.....	73	
Books and printed matter.....	15,013	Various.
Bookbinders' implements.....	181	10 per cent.
Boot and stay laces.....	601	30 per cent.
Braces or suspenders.....	356	Do.
Brass and manufactures of.....	20,359	Various.
Breadstuffs.....	39,964	Do.
Brick, etc., and drain pipes.....	2,225	35 per cent.
British gum.....	109	1 cent per pound.
Brooms.....	44	25 per cent.
Brushes.....	2,820	Do.
Buttons.....	5,204	Do.
Candles.....	251	Do.
Cane or rattan, split.....	3	Do.
Carriages of all kinds.....	3,300	35 per cent.
Carpets, not elsewhere specified.....	29	25 per cent.
Cases, jewel, etc.....	94	10 cents each and 30 per cent.
Cement.....	84	40 cents per barrel.
Chalk.....	416	20 per cent.
Chicory, dried.....	147	4 cents per pound.
Cider, clarified.....	21	10 cents per gallon.
Clocks and parts.....	15,869	35 per cent.
Clock springs.....	3,012	10 per cent.
Coal and coal-dust (bituminous) and coke.....	131,196	60 and 50 cents per ton.
Coal-tar.....	108	10 per cent.
Cocoa-nuts.....	7,299	1 cent each.
Cocoa paste, etc.....	1,481	8 cents per pound.
Coffee:		
Green.....	3,398	10 per cent.
Roasted.....	3,789	3 cents per pound and 10 per cent.
Collars.....	1,232	24 cents per dozen and 30 per cent.
Combs.....	850	30 per cent.
Copper and manufactures of.....	1,541	Various.
Cordage.....	707	1½ cents per pound and 10 per cent.
Corks and cork-wood, manufactured.....	872	20 per cent.
Cottons, manufactured.....	22,257	Various.
Crucibles.....	226	25 per cent.
Cuffs.....	128	4 cents per pair and 30 per cent.
Dressing, leather.....	121	25 per cent.
Drugs:		
Acids.....	1,913	Various.
All other.....	33,411	20 per cent.
Earthen-ware.....	1,672	35 per cent.
Electric and galvanic batteries.....	885	25 per cent.
Electric lights, apparatus for.....	7,970	Do.
Embroideries, not elsewhere specified.....	145	30 per cent.
Emery wheels.....	4	25 per cent.
Essences of fruits.....	131	\$1.50 per gallon and 20 per cent.
Fancy goods.....	9,124	30 per cent.
Feathers, bed.....	61	20 per cent.

70 IMPORTS AT HAMILTON FROM THE UNITED STATES.

Value of goods imported at the port of Hamilton from the United States, etc.—Continued.

Articles.	Value.	Rate of duty.
Felt, not elsewhere specified	231	20 per cent.
Fertilizers.....	78	Do.
Fire-works.....	1,867	25 per cent.
Fish.....	28,933	Various.
Flax and manufactures of.....	613	20 per cent.
Fruits, including nuts.....	28,502	Various.
Furskins.....	12	10 per cent.
Fur hats and bonnets.....	205	25 per cent.
Glass-ware.....	36,932	Various.
Gloves, other than leather.....	1,045	30 per cent.
Gold and silver, manufactures of.....	7,774	Various.
Grease, axle.....	173	1 cent per pound.
Gunpowder and explosives.....	2,590	25 per cent.
Gutta-percha, manufactures of.....	17,659	Various.
Hair and manufactures of.....	398	Do.
Hats, caps, and bonnets.....	10,232	25 per cent.
Hay.....	144	20 per cent.
Hops.....	2,269	6 cents per pound.
Ink, writing and printing.....	2,656	25 and 20 per cent.
Iron and manufactures.....	235,201	Various.
Iron, agricultural implements.....	1,623	35 per cent.
Jewelry.....	28,556	20 per cent.
Lead and manufactures of.....	106	Various.
Leather and manufactures of.....	46,521	25 per cent.
Lithographic stones.....	26	20 per cent.
Magic lanterns.....	31	25 per cent.
Marble and manufactures.....	11,310	Various.
Mats and rugs, not elsewhere specified.....	955	25 per cent.
Metals and manufactures of.....	36,709	Various.
Mineral substances.....	3,718	20 per cent.
Mucilage.....	151	30 per cent.
Musical instruments, etc.....	5,809	25 per cent.
Mustard and cake.....	991	Do.
Oils:		
Mineral.....	3,380	7½ cents per gallon.
Animal.....	481	20 per cent.
Vegetable.....	262	Do.
All other, not elsewhere specified.....	2,506	Do.
Oil-cloth, piece.....	831	5 cents per yard and 15 per cent.
Optical instruments.....	90	25 per cent.
Packages.....	5,804	20 per cent.
Paintings, engravings, etc.....	403	Do.
Paints and colors.....	2,050	25 per cent.
Paper and manufactures of.....	29,188	Various.
Pencils, lead.....	1,125	25 per cent.
Perfumery, hair-oil, etc.....	840	30 per cent.
Pickles, in bottles.....	38	40 cents per gallon.
Printing-presses.....	1,243	10 per cent.
Post-office parcels.....	4,969	Various.
Plaster, calcined.....	38	15 cents per 100 pounds.
Paraffine wax.....	117	3 cents per pound.
Provisions:		
Butter and cheese.....	389	4 and 3 cents per pound.
Lard, tried.....	38,964	2 cents per pound.
All other.....	30,907	Do.
Salt.....	105	15 cents per 100 pounds.
Sand and emery paper.....	2,693	25 per cent.
Sauces and catsups.....	194	40 cents per gallon and 20 per cent.
Sausage casings.....	2,294	20 per cent.
Seeds.....	2,036	Various.
Ships and vessels, repairs on.....	1,879	30 per cent.

IMPORTS AT HAMILTON FROM THE UNITED STATES. 71

Value of goods imported at the port of Hamilton from the United States, etc.—Continued.

Articles.	Value.	Rate of duty.
Silks and manufactures of.....	\$3,664	30 per cent.
State, manufactures of.....	1,215	Various.
Soap.....	2,088	Do.
Powders.....	3,564	3 cents per pound.
Spices.....	7,747	Various.
Spirits and wines.....	1,120	Do.
Sponges.....	1,356	20 per cent.
Starch.....	1,753	2 cents per pound.
Stone and manufactures of.....	6,272	Various.
Sugars.....	19,347	Do.
Sirups:		
Cane juice.....	5,940	Do.
Molasses.....	7,247	20 per cent.
Glucose.....	1,358	2 cents per pound.
Sugar-candy and confectionery.....	1,068	1½ cents per pound and 30 per cent.
Tallow.....	7,822	1 cent per pound.
Teas.....	20,691	10 per cent.
Telegraph supplies.....	2,082	25 per cent.
Tin:		
Crystals.....	124	10 per cent.
Manufactures of.....	4,967	25 per cent.
Tobacco:		
Cigars.....	1,052	\$2 per pound and 25 per cent.
Manufactures of.....	2,959	Various.
Pipes, clay, not elsewhere specified.....	174	25 per cent.
Turpentine.....	3,761	10 per cent.
Trunks, purses, and pocket-books.....	763	30 per cent.
Twines and manufactures of.....	937	25 per cent.
Unenumerated articles.....	3,448	20 per cent.
Valises, satchels, etc.....	129	10 cents each and 30 per cent.
Varnishes, lacquers, etc.....	1,752	20 cents per gallon and 25 per cent.
Vegetables.....	2,199	Various.
Watches.....	156	25 per cent.
Cases.....	11,759	Do.
Actions.....	28,895	10 per cent.
Wax and manufactures of.....	245	20 per cent.
Whips.....	883	30 per cent.
Wood and manufactures of.....	18,666	Various.
Willow wares.....	295	25 per cent.
Wool, manufactures of.....	2,353	Various.
Zinc and manufactures of.....	491	25 per cent.
Total.....	1,179,564	

Imports free of duty.

Articles.	Value.	Articles.	Value.
Produce of the mine.....	\$313,442	Manufactured and partially manufactured articles.....	\$412,907
Produce of the fisheries.....	858	Settlers' effects.....	58,216
Produce of the forest.....	17,668	Total free.....	1,217,958
Animals and their products.....	56,168		
Agricultural products.....	344,458	Total imports.....	2,397,522
Miscellaneous articles.....	15,241		

72 COMMERCE AND INDUSTRIES OF SANTIAGO DE CUBA.

Total trade of the consular district of Hamilton with the United States during the fiscal year 1889.

IMPORTS.

Hamilton:

Dutiable.....	\$1,179,564
Free.....	1,217,958

Galt agency:

Dutiable.....	97,646
Free.....	117,212

Paris agency, dutiable and free

119,377

Total..... 2,731,757

EXPORTS.

Hamilton..... \$659,360.62

Galt agency..... 450,070.54

Paris agency..... 427,607.34

Total..... 1,537,038.50

ALBERT ROBERTS,

Consul.

UNITED STATES CONSULATE,

Hamilton, Ont., September 5, 1889.

Cinnabar in Sonora.—Under date of September 10, 1889, Consul Willard, of Guaymas, reports that within the past six months a deposit of cinnabar (quicksilver ore) was discovered in his consular district (Sonora), about 150 miles from Guaymas, in the Ures district. The deposits are being worked, and are reported to be extensive—one yielding 30 per cent., while as high as 50 per cent. has been found. Twenty flasks of quicksilver have been extracted. The owners of the five claims or mines located are developing their grounds with the object of proving their value. This is the first cinnabar located and worked in Sonora.

COMMERCE AND INDUSTRIES OF SANTIAGO DE CUBA.

REPORT BY CONSUL REIMER.

THE SUGAR INDUSTRY.

In comparing this fiscal year's list of exports with those of the preceding one the most marked increase in exports will be noted in sugar. This increase is owing to two facts. The first is, that during the September quarter of 1888 considerable of the previous crop of 1887-'88 was shipped. The second is the rise in prices, which would have made this increase more remarkable had not the crops of this district of Santiago de Cuba and also of Guantanamo been so far below the 1887-'88 crop and also much below the estimates originally made.

In actual figures the last crop was as follows: Santiago de Cuba, 21,208,774 pounds; Guantanamo, 60,419,748 pounds; Manzanillo, 41,354,400 pounds; total, 122,982,922 pounds.

This crop was disposed of as follows: Shipped direct to the United States from Santiago de Cuba, 19,247,141 pounds; from Guantanamo, 46,638,688 pounds; from Manzanillo, 23,674,500 pounds; total to the United States, 89,560,329 pounds. Shipped to coastwise ports (ports on this island) and nearly all finding its way to the United States—Guantanamo to Havana, 8,530,060 pounds; Manzanillo to Cienfuegos, 11,209,000 pounds; total, 19,739,060 pounds. Still on hand—Guantanamo, 2,251,000 pounds; Manzanillo, 1,810,900 pounds; Manzanillo (destroyed by fire), 1,660,000 pounds; total on hand, 5,721,900 pounds. Consumed in this province—From Santiago de Cuba, 1,961,633 pounds; Guantanamo (estimated), 3,000,000 pounds; Manzanillo (estimated), 3,000,000 pounds; total consumed, 7,961,633 pounds.

The crops of Santiago de Cuba and Guantanamo are at least 25 per cent. below last year's crop and below the estimate. This is owing to the long droughts before the crop and the changeable weather while the estates were grinding. Notwithstanding all these disadvantages, and helped by the fact that new and more powerful machinery had been put into a good many of the estates, Manzanillo increased the crop over the previous year some 33 per cent. An unfortunate incident of the Manzanillo crop is the destruction by fire of the estate "Santa Teresa," owned and built by Mr. Rigney, an American resident there, and some American capitalists in New York. This estate was destroyed some two months since, and with it some 1,660,000 pounds of sugar. I learn now with sincere pleasure that Mr. Rigney's indomitable courage and perseverance have been recognized, and that he has found capital to build a new mill with the latest and most improved machinery, and his estate will, when completed, rank with the first and most perfect on this island. So far as the financial position of the sugar planter, especially here and in Guantanamo goes, the last rise in prices has benefited him beyond his expectations. It seems that this crop has been sold at almost top prices and has suffered very little by the recent drop in prices. Those planters—and there are many of them—under financial obligations to bankers here have been able, to a great extent at least, to cancel their obligations and look towards the future more hopefully, and stand to-day on a firmer financial basis than for many a year past. One of the most difficult problems to solve for the sugar planters, and for all other industrials employing manual labor, is the labor question.

THE LABOR QUESTION.

Of the number of the working population engaged in this consular district in agricultural and mining work it is impossible to form an estimate. It is largely a floating one, gathering during crop time in the centers of the sugar-producing districts and returning afterwards to their homes scattered all over this province. One thing is certain, the working population does not increase in proportion to the demand for it produced by the increased working and producing facilities of agricultural and mining interests. Wages are increasing annually here at the rate of 10 to 20 cents per day's work, and

in Guantanamo and Manzanillo, as before reported, at a much more increased rate. This rise in wages does not, as would be supposed, stimulate the working population to better its condition by continuous work and thus saving money; it in a good many instances serves to deprive the employer of the laborer's work, as the laborer can, with the proceeds of his work, live in his unpretentious way and with the few necessities he has one day out of four without doing anything. The mining industries have taken a good many laborers away from the sugar estates, and as these mining industries continue to develop the demand for laborers increases. Various schemes have been tried to induce laboring men to come to this country, but with only partial success. The Spanish Government is fully alive to the gravity of the situation, and, I am assured, will give its hearty support to any feasible scheme which will bring laborers here. A large proportion of the troops stationed in this province are allowed to work as laborers, and hire themselves out as day laborers in mines and sugar estates, thus helping to supply the urgent need for laboring men. Captain-General Salamanca, while here, assured the promoter of a new mining enterprise near this city that when the necessity came he would send here sufficient troops to work the mines about to be opened.

AMERICAN MINING COMPANIES.

Iron mines.—The industry second in importance in this consular district is the mining industry, and this is entirely in the hands of Americans. The 230,041 tons of iron ore exported from here came from the mines of the Juragua Iron Company, limited, of Philadelphia, of which company Maj. Luther Bent, of Steelton, Pa., is at present president. This company owns seventeen mines covering an area of 1,000 acres and situated some 17 miles to the eastward of this city. The capital invested amounts to about \$2,250,000. The company is working five mines in thirty-two workings and employs 1,200 men in the mines and 200 on the railroad which conveys the mineral to this port, where it is shipped in steamers (nearly all under the British flag) to the Bethlehem Iron Company, of Bethlehem, Pa., and the Steelton Steel Company, of Steelton, Pa.

The railroad is, main line, 17 miles long; branches and sidings, 24 miles. One thousand ore cars, 285 small side dump cars, 16 flat cars, and 2 passenger cars constitute the rolling stock, with 8 large and 6 small locomotives. Besides this the company works five incline planes and one power incline.

This enterprise, commenced some five years since, has been of immense advantage, both financially and industrially, to this province, and under the able management it has always enjoyed and with its undisputed financial solidity is destined to increase in importance every year. Of the proposed opening of new mines near the Juragua property by an American company and the intention of forming a port (whence to ship ore) to the eastward of this city along the south coast, a later despatch will speak.

Manganese.—The manganese mines, now owned by the Empire Manganese Company, have, during the fiscal year just ended, not shipped the

quantity of ore they proposed to ship. This is owing to the change of administration of the company and a good many set-backs they have received, partly caused by the weather, which for a long time rendered the roads impassable for ox-carts, and partly by the want of proper terminal facilities and docks here. These circumstances have increased the cost of the ore at the sea-board here considerably.

Liquid asphaltum.—An article which deserves special mention in this report is the liquid asphaltum, 5 hogsheads of which were sent to New York as samples for analysis. Enormous deposits of asphaltum have been discovered near Puerto Padre, on the north coast of this island and within easy distance from the port of Puerto Padre. The samples have, I am told, proved to be excellent, and already an offer has been made to the owner of the properties, which offer was not accepted. I have visited these deposits and can testify as to their extent.

MISCELLANEOUS EXPORTS.

Fruit trade.—The fruit trade has, owing to limited shipping facilities, not received the impetus hoped for. This industry, by establishing a line of fruit steamers touching at this port at regular intervals and better transporting facilities given here, can be made equal to the fruit trade of Baracoa, on the north coast of this island.

Coffee.—A trial shipment of 291 bags has been made to New York by a firm here, but with indifferent result. Prices here are higher than in New York, having fluctuated between \$16 and \$23 per 100 pounds. The last crop has been four times as large as the previous one, owing to the fact that as a result of the higher prices of the last three years a good deal more coffee has been planted and the first crop gathered between September and January of last fiscal year.

Cedar-wood.—The rise in prices in the New York market during the last fiscal year has brought there considerable wood that before found its way to Europe. Manzanillo and Santa Cruz have shipped the largest share.

Mahogany.—The export of mahogany has not increased, owing to the little demand for it in New York markets.

The export to the United States of hides, bees-wax, and honey is in the hands of one commission-merchant, who tells me that very little profit can be gained in these commodities.

Cigars and tobacco.—The export of cigars and tobacco has increased considerably this year. I have given you a long report on tobacco some time since, and believe that the tobacco of this province is gaining in favor at home.

Molasses.—The only shipment of molasses made during last fiscal year was from Manzanillo, and only amounted to 285 hogsheads.

Sugar estates here all make rum, which is nearly all consumed here.

In closing I may safely assert that this last fiscal year has been, in all respects, in this consular district, commercially, a more satisfactory one than the year 1887-'88.

76 COMMERCE AND INDUSTRIES OF SANTIAGO DE CUBA.

Statement of exports to the United States from the consular district of Santiago de Cuba (comprising the consulate at Santiago de Cuba and consular agencies at Guantanamo, Manzanillo, and Santa Cruz) for the fiscal year ending June 30, 1889.

Articles.	Quantity.	Value.
Asphaltum, liquid samples.....hogsheads...	5	\$2. 55
Bananas.....bunches...	401	157. 38
Bees-wax.....packages...	47	1,066. 11
Cedar-wood.....logs...	25,436	169,663. 54
Do.....pieces...	60	1,844. 08
Cigars.....number...	93,650	2,610. 90
Cocoa-nuts.....bags...	3,865	7,428. 98
Cocus-wood.....pieces...	3,782	1,579. 21
Coffee.....bags...	291	11,897. 47
Copper ore.....tons...	27,712	1,575. 49
Donkey.....	1	167. 61
Fustic-wood.....pieces...	810	259. 70
Granadillo-wood.....do...	866	204. 20
Guava marmalade.....tins...	24	18. 52
Guava jelly and paste.....packages...	3	58. 97
Hides :		
Dry-salted.....number...	1,774	5,164. 60
Wet-salted.....do...	1,161	3,658. 83
Honey.....tees...	84	1,842. 73
Iron ore.....tons...	230,041	530,425. 52
Lance-wood spars.....number...	1,525	1,633. 84
Lemons.....crates...	14	5. 55
Manganese ore.....tons...	1,356. 998	13,690. 98
Mahogany-wood.....logs...	5,656	78,727. 31
Do.....pieces...	25	396. 89
Do.....boards...	1,464	10,493. 05
Do.....pieces, boards, planks...	1,691	8,594. 86
Molasses.....hogsheads...	2,967	55,041. 90
Do.....tees...	34	
Palm leaves.....packages...	140	2,907. 64
Do.....mats...	1,050	
Personal effects.....cases...	4	185. 20
Petroleum barrels (empty, returned).....number...	2,264	619. 50
Pine-apples.....barrels...	317	1,329. 56
Plantains and yams.....do...	6	13. 73
Returned goods.....packages...	102	2,235. 51
Rum, white.....hogsheads...	10	424. 43
Sugar-cane.....do...	5	23. 15
Sugar.....bags...	386,366	3,791,549. 01
Do.....hogsheads...	564	30,529. 18
Do.....packages...	9	
Do.....barrels...	37	
Specie (mutilated silver).....packages...	2	744. 92
Tobacco in leaf.....bales...	2,544	48,690. 79
Tomatoes.....crates...	58	54. 63
Tortoise-shell.....box...	1	144. 27
Type, old, printers'.....cases...	22	299. 87
Total.....		4,788,166. 62
Same time previous year.....		4,013,057. 18
Increase.....		775,109. 44

OTTO E. REIMER,
Consul.

UNITED STATES CONSULATE,
Santiago de Cuba, July 29, 1889.

CUBAN RAILROADS.

REPORT BY CONSUL EHNINGER, OF CIENFUEGOS.

I have the honor to inclose a newspaper extract relating to the construction of a line of railroad which has been in contemplation for many years and now bids fair to be realized. Although not geographically in this consular district, it is probable that Cienfuegos will be more interested in its construction than Santiago de Cuba. This enterprise may be of interest to our capitalists and manufacturers.

SANTA CRUZ RAILROAD.

[Translation from the Cienfuegos *La Verdad* of July 18, 1889.]

To-morrow, or the day after, are expected to arrive in this city several property holders from Puerto Principe to hold an interview with Messrs. Menendez, Castaño, and other merchants of this city, with the object of promoting the construction of the Santa Cruz Railroad. The survey of this road has been made by the state engineer, Mr. Cadenas, and, as we are told by this gentleman, its total cost will not exceed \$600,000, which is very moderate if we consider the distance—25 leagues (63 English miles)—between Santa Cruz and Puerto Principe. This is in part due to the circumstance that the owners of the land traversed give the free right of way and the timber needed for the construction of the road. Moreover, as the land is nearly level, there will be very few cuts and fills, which, as is known, constitute the most expensive portion of these works.

Having explained the cause of the small relative cost of the railroad, which, in our jurisdiction (Villaclara) would cost about two and a half millions of dollars, we will proceed to explain the reasons why the commerce of Cienfuegos and the company of Menendez (coast steamers) are the most interested in its construction. The 35,000 inhabitants of Puerto Principe and the 30,000 of its jurisdiction are supplied from Havana with provisions, clothing, hardware, and other articles of importation; moreover, by the north coast are transported the cattle exported by Camagiiey (Puerto Principe). Now, if the Santa Cruz Railroad is built, as the southern route turns out to be the more economical, it is clear that the Camagiieyanos (inhabitants of Puerto Principe) will prefer said route to that of the north for transporting their cattle to Havana, for traveling, and for conveying articles of consumption. In this respect, then, a positive result is assured for the railroad and the advantage accruing to the line of steamers of Messrs. Menendez & Co.

We have now to examine the benefit which the commerce of Cienfuegos will derive from the construction of this line. We have in this city several importing houses which can compete favorably with those of Havana. These houses, with an easy and cheap means of communication, can control, if not the whole, at least three-fourths of the annual importation from Havana to Camagiiey (Puerto Principe). What yearly profit is represented for the merchants of Cienfuegos by this more than probable result of the construction of that line we have no data in figures to show, but we calculate it at \$500,000. This amount is well worth the trouble, besides the dividends which necessarily the railroad must produce if the commerce of Cienfuegos subscribes at least the half of its total cost.

These considerations, made on the spur of the moment, we propose to develop more extensively in a future article. We believe that the construction of the railroad of Santa Cruz interests Camagiiey (Puerto Principe), Cienfuegos, and the Menendez Company, and we therefore feel obliged, as journalists, to advocate it again and again, in order that it may be put into execution.

The meeting of merchants (referred to above) took place, and it was resolved to appoint commissioners to set about preparing the plans and estimates of the road, it being nearly certain that half of the stock will be taken in this jurisdiction. The governor-general (Salamanca) has expressed himself as taking a great interest in the construction of this road, considering it a valuable one for the general interests of the island, and has promised to forward it in every way in his power. I will keep the Department informed of the further steps towards putting this project into execution.

HENRY A. EHNINGER,
Consul.

UNITED STATES CONSULATE,
Cienfuegos, July 25, 1889.

COMMERCE OF AGUADILLA, PORTO RICO.

REPORT BY CONSULAR AGENT GANSLANDT.

Trade during the year under record has been pretty satisfactory in the export line, on account of the remunerative prices obtained for the two principal staples of this district, coffee and sugar, although the quantities exported have been smaller than in 1888. I give herewith the details of exports of principal articles as compared with preceding years.

EXPORTS.

Sugar.— The exports of sugar during the year were as follows: Muscovado, 28,593 quintals; crystallized, 1,855 quintals; total, 30,448 quintals.

From 1881 to 1888 the exports of sugar were as follows:

Year.	Quintals.	Year.	Quintals.
1881.....	35,475	1885.....	110,279
1882.....	40,000	1886.....	86,722
1883.....	137,662	1887.....	57,552
1884.....	134,000	1888.....	90,083

The crop of this season will reach in all about 40,000 quintals, as according to calculations about 10,000 quintals are yet left for exportation and local consumption — a very poor result compared with former years. The higher prices ruling have, however, in some instances somewhat counterbalanced the smaller output, though it must be regretted that the unexpected rise in sugar prices has set in so late and after the greater part of the produce had already been sold. Only a few planters have realized for their last parcels the extraordinary rates of from \$5 to \$6 (Mexican money), to which latter high figure the value of muscovado sugar has risen; the opening prices in January were \$2.75 and less. People here are, of course, not sanguine enough to believe that such rates will be sustained, but the general idea is that sugar

has seen its worst times, and that with this season a turning point has at last been reached. Considerable exertions are therefore being made to increase the sowings of the cane, and, confidence in the future of sugar returning, more liberal help will again be offered by the merchants, and planters may again be enabled to rally from the brink of ruin, if economy in the administration of the estates and prudent living are continued as during the past five seasons of low prices, which have been a good lesson to sugar planters. The weather has of late been extremely favorable for the growing canes.

Coffee.—The exports during the year under record amounted to 40,950 quintals.

From 1881 to 1888 the exports of coffee were as follows:

Year.	Quintals.	Year.	Quintals.
1881.....	68,000	1885.....	60,000
1882.....	34,400	1886.....	43,500
1883.....	52,800	1887.....	35,545
1884.....	31,200	1888.....	49,230

There remain some 1,000 quintals of stock on hand for shipment to Cuba and home consumption. The crop has been a fair one in this district, but this port has not fully profited by it, as considerable quantities of coffee, owing to impassable roads during the rainy weather, have gone to Arecibo and Mayaguez. Prices opened in September past pretty low, at about \$16. In January, however, the value had already gone up to \$20 and \$21, according to quality, the highest, \$25.50 per quintal, being paid in May for superior picked coffee for Europe. Since then a quieter tone is prevailing, and at present nothing is doing for want of stocks. Merchants trust that prices will further decline, so as not to enter the approaching new season so high. The prospects for the coming campaign are reported as very promising, as the weather has been all that can be desired for the growth of the berry.

Tobacco.—The 1888 crop has been a fair one, averaging about 8,000 quintals, of which, during the year under record, have been exported 4,375 quintals.

From 1881 to 1888 the exports of tobacco were as follows:

Year.	Quintals.	Year.	Quintals.
1881.....	6,231	1885.....	8,950
1882.....	5,665	1886.....	2,332
1883.....	9,315	1887.....	8,096
1884.....	3,445	1888.....	8,975

Stock on hand is estimated at about 4,000 quintals. There will be hardly any crop in 1889, as the wet weather prevailing during the latter part of 1888 has destroyed the seedlings almost entirely, and a production of about 3,000 quintals will be all that will be offering for sale. The price at which the

tobacco sold last fall was low, say, \$5.50 to \$6 per quintal, packed and delivered at this port, but the quality was indifferent.

Molasses.—No molasses has been exported. This sweet is now being exclusively converted into rum, which article is high in value, as there is much demand prevailing for same for consumption on the spot.

Cocoa-nuts.—Cocoa-nuts were exported to the number of 762,000, against 475,000 in 1888. Prices for husked cocoa-nuts for New York have declined of late and are now at about \$18 per thousand. It appears that they are not being shipped in the same good and careful conditions as from Cuba, the produce of which island is more solicited than from Porto Rico.

Oranges.—Oranges have been exported to the small amount of only 118,000, as a trial shipment. On account of the difficulties of transportation from the interior nobody takes an interest in developing this trade, which might become important, as millions of oranges might be exported.

Annotto.—Exports comprise 300 quintals. The enthusiasm for the cultivation of this seed has disappeared, prices for same in United States becoming lower every year.

IMPORTS.

Business can not be very lucrative at this port, partly owing to the competition of the local importers, who always undersell each other, partly in consequence of the strenuous efforts made by Arecibo and Mayaguez merchants to supply the interior of this district and chiefly the coffee centers Lares and Pepino. In such endeavors they are assisted by the bad state of the direct road from this port into the interior. Speaking about coffee above, I pointed out already that much of it was going to Arecibo and Mayaguez, and, of course, those quantities are in payment of provisions, dry goods, etc., which find an easier way from the ports named than from here, which is the natural and shortest point to the interior. I am unable to give statistics about quantities and values of direct importations. Much is being imported coastwise from the principal ports of the island, and this, of course, it is difficult to control.

NAVIGATION.

The American flag is now oftener seen at this port, a direct and regular steam communication having been established by the New York and Porto Rico Steam-ship Line, which, it is hoped, will continue to send its steamers, the more so as a competing line, the Taurus, has apparently again suspended the regular voyages commenced.

VITAL STATISTICS.

The health of the district was good during the first six months of the fiscal year, but during the latter half small-pox has reigned, and about 550 persons have died. At present some 200 persons are sick, but most of them will recover; the number of cases of sickness was over 1,500. Neither yellow fever nor any other diseases have been epidemic.

PUBLIC WORKS.

During the last year a light-house has been built at the north of Cape — in this district. The light will burn from September 15. I have tried to find out from the harbor-master the exact geographical position, height and condition, radius, etc., of the light, but my endeavors have been in vain, the port authorities not being yet in possession of official information.

The works on the western portion of the intended belt railroad around the island are said to commence soon in this district. The French constructing company have definitely fixed the route and the situation of the depot at this town, and a staff of engineers is expected to arrive here shortly.

The much wanted railroad into the interior remains yet a pious wish.

AUG. GANSLANDT,
Consular Agent,

UNITED STATES CONSULAR AGENCY,
Aguadilla, Porto Rico, July 1, 1889.

TRADE BETWEEN TRIESTE AND THE UNITED STATES.

REPORT BY CONSUL GILBERT.

The trade of this port with the United States during the year was as follows :

Statement showing the value of declared exports from the consular district of Trieste-Fiume to the United States for the year ending December 31, 1888.

Articles.	Quarter ending—				Total for the year.
	March 31.	June 30.	September 30.	December 31.	
Beans.....	\$83,615.26	\$16,308.46	\$535.38	.....	\$100,459.30
Cattle-bones.....	3,601.90	442.59	3,851.32	2,871.74	10,767.55
Drugs and chemicals.....	15,377.51	9,759.61	9,215.07	8,487.55	42,839.74
Fruits, dried.....	343,319.32	189,622.06	86,438.08	467,634.15	1,096,013.61
Gum.....	50,942.64	30,296.54	30,671.75	20,990.22	132,901.15
Herbs, roots, and leaves.....	5,171.13	3,396.45	13,554.80	7,187.97	29,310.35
Insect powder and flowers.....	61,691.54	67,316.51	25,203.45	18,091.08	172,302.58
Insect flowers (common field daisies).....	.....	.....	13,252.77	1,557.44	14,810.21
Leather and skins.....	4,611.65	.....	.....	3,278.57	7,890.22
Macaroni.....	.....	.....	.....	2,187.63	2,187.63
Oils.....	865.54	.....	9,481.99	1,050.04	11,337.57
Petroleum barrels (empty).....	.....	7,473.03	.....	.....	7,473.03
Seeds.....	7,060.63	3,396.17	11,247.31	4,426.14	26,130.25
Sponges.....	1,290.93	3,274.92	1,771.33	2,755.66	9,092.84
White lead.....	2,501.71	2,147.93	276.78	1,927.67	6,854.09
Wines and liquors.....	249.98	1,660.88	582.10	748.89	3,241.85
Wool.....	.....	1,301.51	885.49	5,581.30	7,768.30
Miscellaneous.....	1,934.49	936.20	4,431.48	1,360.08	8,662.25
Total value.....	582,234.23	346,332.86	211,339.30	550,136.13	1,690,042.52
Total for the year 1887.....	1,052,382.33	268,249.76	326,408.90	935,984.87	2,583,025.86
Increase.....	.....	78,083.10	.....	.....	.....
Decrease.....	470,148.10	.....	115,069.60	385,848.74	892,983.34

The average value of the Austrian paper florin for the year ending December 31, 1888, was 39.14 cents.

Statement showing the imports from the United States to Trieste during the year ending December 31, 1888.

Articles.	Metric quintals.	Articles.	Metric quintals.
Bags and bagging.....	32	Oils :	
Beef, salted, smoked, etc.....	187	Cotton-seed.....	8,296
Cotton.....	5,451	Lubricating and mineral.....	10,418
Earths and minerals, divers.....	2,400	Turpentine, etc., and spirits of.....	1,407
Extracts for dyeing.....	25	Resin.....	77,920
Fruits, dried.....	3	Roots, medicine, etc.....	22
Lard and grease, divers.....	14	Staves.....	(9)
Leather and hides, raw.....	550	Wood, manufactured.....	41
Ink.....	40	Total.....	106,843
Machinery and parts of.....	37		

* 6,692 pieces.

The aggregate value of the imports from the United States was \$557,-006.55.

The decrease in imports from the United States to the port of Trieste for the year 1888, as compared to that of 1887, was \$184,764.75.

The decrease in exports from this consular district to the United States for the year 1888 affected all articles of export, and, as compared to 1887, shows the marked decrease of \$892,983.34.

The decrease in declared exports from this consular district for the fiscal year ending June 30, 1889, as compared to the fiscal year ending June 30, 1888, is \$942,478.92. The decrease is in all the principal articles of export from the district—dried fruits, gums, insect powder and flowers, miscellaneous, etc.

Table showing the value of imports from the Levant to Trieste for the years 1888 and 1887.

Countries.	1888.	1887.
	<i>Florins.</i>	<i>Florins.</i>
Greece.....	12,155,418	11,416,964
Turkey.....	22,278,145	20,752,658
Egypt.....	10,665,756	12,092,772
Total.....	45,099,319	44,262,394

Table showing the value of exports from Trieste to the Levant.

Countries.	1888.	1887.
	<i>Florins.</i>	<i>Florins.</i>
Greece.....	11,493,172	12,380,361
Turkey.....	38,342,676	49,582,829
Egypt.....	10,613,297	11,229,769
Total.....	60,449,145	73,192,959

Movement of vessels between Trieste and the United States in 1888 according to flag and tonnage.

Flag.	Entered.				Cleared.			
	Steamers.		Sailing vessels.		Steamers.		Sailing vessels.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Austria-Hungary			4	2,330				
Denmark			1	160				
Germany			1	898	1	1,816	1	1,236
Great Britain	2	3,181	1	499	21	39,833		
Italy			8	4,168				
American								
Total	2	3,181	15	8,055	22	41,649	1	1,236

HENRY W. GILBERT,

Consul.

UNITED STATES CONSULATE,

Trieste, July 5, 1889.

STEAM NAVIGATION AT COLON.

REPORT BY CONSUL VIFQUAIN.

There are eight lines of steamers doing business to and from Colon, as follows:

I. PACIFIC MAIL STEAM-SHIP COMPANY.

Three steamers are doing the service between New York and Colon, leaving the former place the 1st, 10th, and 20th of each month, leaving the latter the 5th, 15th, and 25th. It is impossible to give a regular rate of freight; the prices vary according to the goods and the space occupied. Thus bulky things taking much room, although light, will pay much more than heavy goods occupying small space. Moreover, the rates are somewhat arbitrary; that is to say, if there is much freight to go, less will be charged — if there is not, more. Coffee in the bag will pay from 50 cents to \$1; iron, \$30 per ton if in compact shape; bananas, by private contract, \$8 per ton; timbers, \$20. In one word, the rates are "all that the traffic will bear." This line receives no subsidy, and the money it receives for carrying the mails is "sea postage." This is the only American line touching here, and it has a monopoly on the traffic, for the reason that it gives \$10,000 per month to the Atlas line, the only other New York line touching here, not to take any freight from New York for this port. This contract between the Pacific Mail and the Atlas has well-nigh ended, but it is to be presumed that it will be renewed. The passenger traffic of this line is very fair. The fleet of the line is: *City of Para*, 2,504 tons; *Newport*, 1,806 tons; *Colon*, 1,843 tons. Distance between New York and Colon, 1,970 miles; time, eight days, or some 10 miles per hour.

2. THE COMPAGNIE TRANSATLANTIQUE.

This is the French line. It has eight vessels doing business between France and here, touching at several points in the West Indies, Venezuela, and Colombia. As a whole, so far as steamers are concerned, this is the best line. The steamers leave Marseilles and Havre, respectively, the 9th, the 10th and 18th of each month—one from Marseilles, two from Havre. They leave this port the 3d, 11th and 21st of each month. The rates for freight are regulated by agreement; there is no fixed rate for anything on this line in the shape of freight. Freight money is, as a rule, paid in France at arrival or before departure. I could not find one single "bill of lading" at the office of the company here showing prices. The subsidy received from France by this company is about \$2,000,000 per annum, and for this they carry the mails.

The fleet of this line is—

Name of vessel.	Tons.	Name of vessel.	Tons.
Amerique.....	4,700	St. Laurent.....	4,200
France.....	4,700	O. Rodrigues.....	3,200
Labrador.....	4,700	St. Simon.....	3,200
Canada.....	4,200	F. de Lesseps.....	2,900

Schedule time, 15 miles per hour, or fined.

3. ROYAL MAIL STEAM-SHIP COMPANY.

The service of this English mail line comprises a passenger and mail line; also, a passenger and freight line, much slower. Both divisions touch at several places in the West Indies. The steamers leave Southampton. The regular passenger steamers leave every alternate Thursday and reach here regularly in eighteen days. They leave Colon every alternate Saturday. A freight boat is sent every two weeks, and more frequently if necessary. This division takes one month for the trip.

The rates of freight are, per fast steamers, 12s. per cubic foot, and 5s. 6d. for each additional foot.

This line receives from the British Government a subsidy of £90,000 (\$437,000); for this it carries the mails.

The fleet of this line is—

Name of vessel.	Tons.	Name of vessel.	Tons.
Orinoco.....	4,478	Derwent.....	2,402
Para.....	3,805	Avon.....	2,225
Marvay.....	3,669	Dee.....	1,864
Moselle.....	3,280	Essequibo.....	1,831
Nile.....	3,021	Larne.....	1,670

Schedule time for fast steamers, 15 miles per hour, or fined.

4. WEST INDIA AND PACIFIC STEAM-SHIP COMPANY.

An English line leaving from Liverpool. It averages sixteen runs per month to this place. Two of these come direct and carry the mails, but receives no subsidy—it is paid sea postage. It is impossible to find out the rates for freight here, the agent here himself not knowing them. Such of the steamers of this line as go to New Orleans—two a month on an average—take very little freight to that place, if any, and for such freight as it takes there rates change constantly. This is essentially a freight line, and its fleet is composed of—

Name of vessel.	Tons.	Name of vessel.	Tons.
American	1,838	Darien	3,362
Australian	2,498	Floridian	3,257
Bernard Hall	2,678	West Indian	1,806
Californian	1,831	Yucatan	2,817
Caribbean	1,852	William Cliff	3,352
Jamaican	2,009	Texan	3,257

The speed of these boats is some 10 miles per hour. The English Government requires a speed of at least 15 miles per hour from the regular mail boats. I have information before me showing that the dividends of this line for the year 1888 amounted to 7.50 per cent.

5. HARRISON LINE.

Another English line doing service between Liverpool and Colon. It averages about three steamers per month to this place, and occasionally one of these—one per month—goes to New Orleans. As to the rates on freight no data are obtainable here. It sometimes takes mail from Liverpool for sea postage. No subsidy. It is essentially a freight line, and is, like the West India and Pacific Mail Steam-ship Company, very carefully managed, and charging “all that the traffic” will bear on passengers as well as freight.

Its fleet is composed of—

Name of vessel.	Tons.	Name of vessel.	Tons.
Actor	2,000	Historian	1,900
Architect	1,870	Orator	1,674
Astronomer	1,740	Professor	1,712
Author	1,650	Sculptor	1,724
Editor	1,780	Navigator	1,807

Speed, about 10 miles per hour.

6. ATLAS LINE.

Still another English line, but doing business between New York and the West Indies, with steamers calling here at the rate of about one per week. It brings no freight here, receiving from the Pacific Mail Steam-ship Company, of New York, the sum of \$10,000 per month not to do so. It carries

mail for the United States to Jamaica and other points in the West Indies and Colombia, but none for this place. The only subsidy it receives that I have any knowledge of is the one it receives from the Pacific Mail Steamship Company.

Its fleet is composed of—

Name of vessel.	Tons.	Name of vessel.	Tons.
Alene.....	2,000	Alvena.....	1,669
Alvo.....	1,850	Athos.....	1,943
Ailson.....	1,740	Andes.....	1,750
Adirondack.....	2,350	Alps.....	1,750

Speed about 10 miles per hour.

7. THE GERMAN LINE.

This is a division of the line running to New York, but especially for the service between Hamburg and the West Indies, Venezuela, and Colombia. Whether the main line receives a subsidy from the German Government I can not say. Two steamers per month call here. It is exclusively a freight line; it takes no passengers. The rates on freight are, like most of the lines here, unknown even to the agent. The bills are all paid in Hamburg. It carries only such mail as will save it from paying tonnage dues. It takes more coffee from this place than all other lines put together, and is the most economical and best managed line of all those running here.

Its fleet comprises—

Name of vessel.	Tons.	Name of vessel.	Tons.
Rhenania.....	1,780	Alsatia.....	1,640
Calicia.....	1,820	Saxonia.....	1,702
Albingia.....	1,806	Francia.....	1,720
Teutonia.....	1,850	Bavaria.....	1,800

8. THE SPANISH LINE.

Head-quarters of this line are at Barcelona, but the point of departure of the vessels coming here, start from Liverpool and make connection at Havana with the other divisions of the line. Two steamers per month touch this port. I can not find out whether this line receives a subsidy from Spain, but the impression at the office here is that it does. It carries mail to Havana, and brings Havana mail here. Its rates of freight are the same as for other lines, a thing not to be found out. The Spanish name of this line is "Compania Transatlantica de Barcelona."

The fleet of vessels touching here comprises the—

Name of vessel.	Tons.	Name of vessel.	Tons.
B. Iglesias.....	1,640	Mexico.....	1,750
Panama.....	1,720	San Augustin.....	1,740
España.....	1,800	Biscaye.....	1,680
M. Nunez.....	1,760	Vellaverde.....	1,700

CONCLUSION.

Thus we find that the Royal Mail Steam-ship Company is the only one that gives us advertised rates of freight, and from the figures thus obtained an estimate can be formed of the rates of freight for all other European lines, owing to the lively competition between them.

The fleets doing business with this port—regular lines—comprise sixty-seven vessels, and twenty-seven of these call monthly.

The failure of the canal has affected all these lines, with the exception of the Pacific Mail Steam-ship Company, very much.

VICTOR VIFQUAIN,
Consul.

UNITED STATES CONSULATE,
Colon, (Aspinwall,) August 15, 1889.

MEXICAN-AMERICAN TRADE.

REPORT BY MINISTER RYAN, OF MEXICO CITY.

I have the honor to transmit herewith, for the information of the Department, statistics just prepared in the Mexican department of foreign affairs showing the imports from the United States to this country and the exports from Mexico into the United States for the fiscal year ending June 30, 1888. These vary widely from the statistics of these exports and imports published by our Government.

IMPORTS INTO MEXICO FROM THE UNITED STATES.

During the year 1887-'88 there was imported from the United States into Mexico the merchandise, a résumé of which, in its order of classification and importance, is presented herewith:

Classification.	Values.	Classification.	Values.
Effects free of duty.....	\$8,731,835.59	Furriers' effects	\$154,890.90
Cottons	4,071,472.17	Arms, powder, munitions.....	151,992.43
Alimentary substances	1,716,731.43	Glass and China ware.....	136,960.76
Drugs and chemicals.....	983,344.55	Linens	76,637.45
Iron and steel	591,754.56	Silks	71,736.26
Machinery and instruments.....	315,225.37	Gold, silver, and platinum.....	38,362.20
Paper, card-board, and appurtenances..	243,495.51	Silks, mixed with other materials.....	37,111.25
Wools.....	238,642.92	Stone and sand	19,964.41
Woods and their manufactures.....	222,171.07	Tin, zinc, lead, etc	17,852.40
Copper and its alloys.....	206,689.78	Various articles.....	849,440.16
Haberdashery and notions.....	202,747.44		
Carriage-wares	185,614.65	Total importations.....	19,264,673.26

Following is a list of articles imported whose values during the period hereinbefore specified did not fall below \$100,000:

Articles.	Quantity.	Value.
Raw cotton.....kilograms...	3,505,639	\$2,204,829.73
Engines, etc., for railroads.....		1,896,000.35
Machinery for agricultural industries, etc.....		1,426,880.25
Cotton prints, up to 30-thread.....square meters...	12,178,350	1,046,518.47
Lumber for building.....		842,972.19
Live animals (of those free of duties).....		749,294.50
Coal.....tons...	104,000	730,785.75
Railroad ties.....		604,200.00
Quicksilver.....kilograms...	572,285	465,418.00
Powder, fuses, etc., for mines.....		407,358.85
Crude petroleum.....		364,683.00
Coarse cotton fabrics.....square meters...	1,033,784	262,803.36
Beer.....		232,859.80
Sewing-machines.....		232,429.34
Cotton stuffs, up to 30-thread.....square meters...	2,629,997	197,694.56
Fat of animals, not specified.....		196,506.00
Rails for railroads.....		184,889.90
Hog lard.....kilograms...	999,486	181,671.65
Refined petroleum.....		181,502.15
Wheat flour.....kilograms...	2,347,734	166,186.58
Coffee.....do.....	325,479	136,383.23
Sugar.....do.....	754,905	127,484.98
Virginia tobacco.....do.....	631,934	117,260.50
Manufactures of iron.....		117,073.60
Knives, etc., duty free.....		115,454.32
Tools for artisans.....		111,647.32

EXPORTS FROM MEXICO TO THE UNITED STATES.

The exports to the United States aggregated \$31,059,626.66, as follows:

Merchandise.....	\$13,144,510.83
Precious metals.....	17,915,115.83
Total.....	31,059,626.66

TRADE BALANCE.

Exports from Mexico to United States.....	\$31,059,626.66
Imports into Mexico from United States.....	19,264,673.26
Balance in favor of Mexico.....	11,794,953.40

Differences in currency, etc., reduce this apparent balance to \$2,209,-066.97.*

THOMAS RYAN,
Minister.

UNITED STATES LEGATION,
Mexico, September 8, 1889.

* In explanation of this it may be here stated that the imports from the United States are given in American dollars, while the exports from Mexico to the United States are given in Mexican dollars (\$1 Mexican = 73.9 cents American).

THE DISTRICT OF ACAPULCO.

REPORT BY CONSUL LOUGHERY.

It is difficult for a consul to furnish the Department with a satisfactory report from this consulate, on account of its peculiar location and the utter impossibility of obtaining full and correct information from any portion of it remote from Acapulco. To illustrate, it extends down the coast over 600 miles, and embraces the territory of three Mexican states. The agencies dependent on it are only reached once a month by a line of coast steamers, which run between Panama and Acapulco. One of these arrives at Acapulco on the 18th and returns to Panama on the 25th of each month. While here the most of its cargo is transferred to the through lines that run between Panama and San Francisco. There is little or no commercial or social communication between these agencies and Acapulco, and the agents, who are actively engaged in trade, seldom furnish any information. In this immediate vicinity there has been no change worthy of note since my January report. It is only necessary to state that the depression that existed in commercial and financial circles has greatly increased, until business has come almost to a stand-still.

CROP PROSPECTS.

This depression has been caused by trade seeking other and more favored places, but mainly by crop failures. For three consecutive years poor crops have been raised in the vicinity of Acapulco, and last year they were almost a complete failure. The corn crop, the only one of any material value among the cereals, and upon which the people are mainly dependent, was very small, not enough for home consumption, and supplies had to be obtained by steamers. There was an abundance of corn raised in the interior, but this could not be reached for the want of facilities. The whole country is mountainous, and everything is transported on mules or horses. The cotton crop was almost a complete failure. Instead of raising 20,000 bales, as was anticipated, not over 5,000 were marketed. The bales only average about 150 pounds each, so that it will be perceived that, at best, it is but a poor crop. Agriculture is of the most primitive character, and the crops once planted are left to the operations of nature.

The coming year promises to be more propitious. There will be a large corn crop, and crops of all kinds are promising. It is believed the cotton crop will be larger than for many years. This crop, especially in this latitude, is subject to so many casualties that it is unsafe at present to predict the result. Thus far the seasons have been all that could be desired, and the rainfall abundant and timely.

TRADE DEPRESSION.

These crop failures have had their consequent effect on trade, which has been, and continues to be, greatly depressed. The merchants are all complaining, and several large houses have had to suspend business and go into liquidation.

As previous reports have shown, Acapulco is a place of no commercial importance. Its only exports are fruits and hides, which, as the annual exhibits to the Department demonstrate, do not aggregate a large amount in money. The place is mainly dependent on the Pacific Mail line and the few coal and coaling ships that arrive here. If the Pacific Mail line were discontinued the town would virtually disappear.

While rich in prospective agricultural and mineral wealth, the state of Guerrero is the poorest of the Mexican states. Real estate has no marketable value; there are no banks, and money can not be raised on even the most valuable haciendas. Mortgages are rarely resorted to, and only by merchants when every other resource fails; besides, the expense attending mortgages is very great. Of the 5,000 population of Acapulco not over three hundred persons are engaged in a respectable paying business. The others are mere laborers eking out a scanty subsistence. There has been no change here in fifty years, and there is no likelihood of any change in years to come, unless adventitious aids occur, and a new, more active, and enterprising population comes in to develop the country.

MINES.

Nothing has been done in mines, and no prospectors have visited this section since I have been here. Still, the general impression is that it is rich in mineral wealth of gold and silver, and especially silver.

MANUFACTORIES.

There have been no movements in manufactories since my last report. The cotton factory mentioned in that report, of B. Fernandez & Co., of one hundred looms, is progressing favorably. It is situated near Acapulco. It was supposed that it would have been in operation ere this, but I learn from the leading mechanic, sent out from England to take charge of the work, that the mill will not be at work until August of next year. In this country everything moves slowly.

THE INTEROCEANIC RAILWAY.

The Interoceanic Railway, a narrow-gauge road from Vera Cruz to the city of Mexico and thence to Acapulco, has been in contemplation for several years, but the necessary capital to carry it through has been wanting. At one time a French company was formed, but it failed to accomplish anything. Finally English capital was induced to take hold of the enterprise. After a survey of the route by civil engineers sent out for the purpose a company was organized with a capital of £3,500,000. That was over a year ago. It has been actively at work about nine months. From a civil engineer connected with the company I learn the following facts:

The work done thus far has been on the Vera Cruz division, which, it is expected, will be finished and in active operation in about a year. A new contract has been made by the company with the Mexican authorities for the Acapulco division, of the terms of which I am not advised. There are now

at work upon the division being built about six thousand men. The line is complete from the city of Mexico to Perote, 160 miles. That from Perote to Vera Cruz, 135 miles, is under construction.

On the Acapulco division there are 95 miles of railway in operation, from the city of Mexico to Yantepec, which was purchased by the Interoceanic Company. In this connection I would remark that the Interoceanic Company has purchased two other lines—on the Vera Cruz division the road from Puebla to San Juan, 90 miles, and from Vera Cruz to Irola, 40 miles.

The distance from Acapulco to the city of Mexico, in a straight line, this engineer informs me, is about 285 miles; as the road will probably be run it will reach 386 miles. The route has not been as yet defined or determined. It may not be run direct to the city of Mexico, but make a divergence at or near Chilpanzingo and connect with the Vera Cruz line at Puebla. While this will not materially lengthen the distance to the city of Mexico, the change will shorten the route from Acapulco to Vera Cruz.

The most difficult portion of the work is between Acapulco and Chilpanzingo, a distance of 108 miles. The route is hilly and mountainous, the hills running transversely across the route, thus rendering the engineering laborious and costly. The character of these elevations can be conjectured from the fact that Chilpanzingo is between 5,000 and 6,000 feet above the level of the sea.

The most important fact connected with this brief summary is the certain construction of this important railroad, which will be of immense benefit in the development of this portion of Mexico and to its commerce. It will open, besides, a new and brilliant future to Acapulco, utilizing its splendid harbor and opening to its people new and varied industries. On the completion of this work depends the future of the town and the development of this section.

HOW TO WIN MEXICAN TRADE.

In the meantime, while works of this character are progressing or in contemplation, the merchants and manufacturers of our country should be laying the groundwork to obtain the trade of Mexico and the Central and South American states. They should carefully read the consular reports and study the laws and usages of these states. It is a trade that, in the near future, will develop into grand proportions. It is not a pleasant reflection that Europe, so far distant, is in advance of them, and moves forward more carefully and intelligently. If Americans desire to rule America, they must take the necessary steps for that purpose. They should not only re-assert the Monroe doctrine, but practically carry it out in all their commercial and trade relations. To-day Mexico is better disposed than it has ever been towards the United States, and has the best and most intelligent government that it has ever had since its separation from Spain. Now is the time for vigorous and prompt commercial action by our people.

The purpose of this dispatch, and others that may follow, is to give a full and accurate description of this portion of Mexico, and especially of this

consulate. To aid me in this, I have written to the consular agents at San Benito and Tehautepec, requesting such information as they are able to furnish. Under date of July 12, Acting Consular Agent at San Benito F. A. Quimby, writes me as follows:

SAN BENITO AGENCY DISTRICT.

In reply to your request I answer your questions as follows:

(1) The coast here and for miles above and below is low and sandy, with a "lagoon" or long lake of brackish water running the length and parallel with the coast. There are no harbors, but by a comparatively small expenditure a very good one could be made by utilizing the lake, which in places is deep and is fed by numerous large streams.

(2) San Benito, the port, is an open roadstead, and the town of, say, about 100 actual inhabitants is a miserable unhealthful place, on account of there being no good drinking water; fevers are common. Most of the men needed for the lighters live in towns a little further inland, and only go to the port when the steamer is expected. Tapachula is the principal business town, about the size of Tonalá, say 6,000 inhabitants (not counting the battalion of troops which is always stationed there). It is situated about 20 miles inland and has a good, healthful climate. The government buildings, including custom-house, are situated here, and nearly all custom-house business is transacted here, and not in San Benito. There are also several smaller towns, mostly situated, like Tapachula, near the foot of the mountains, and from 10 to 20 miles distant from each other. The principal one, Tuxtla Chico, with about 2,000 population, is situated 10 miles southeast of Tapachula, and is very near the border line between Mexico and Guatemala.

(3) Most of the population is in the towns, the low plain being sparsely settled, and is composed mostly of natives of Indian or mixed blood. They are a simple, quiet people, with few wants, which are easily satisfied; their only ambition is to earn money enough to enable them to celebrate feast days, which come very frequently. They seldom save any of their earnings, but never go hungry; fights and quarrels are of rare occurrence. There are a few wealthy men among the natives, but they are an exception to the rule. Most of the wealth is in the hands of foreigners who have located here; the two largest importing houses are owned, one by a German and the other by an Englishman. There are no American merchants here. Most of the wealth of this section is in the coffee plantations, and they are nearly all owned by foreigners. There are quite a number of Americans here, more than of any other class of strangers; but nearly all are without means, are engaged in agricultural pursuits, and are only commencing in a small way.

(4) The principal product of the country is coffee, of which there is exported annually about 20,000 cwt.; but this amount will be largely increased within two or three years, as there have been planted as many trees within the last two years as there were altogether before, and the probabilities are that the planting will continue even more rapidly in the future, as this is a good section for coffee growing. There has been some rubber planted, but it is not yet producing, and all that is exported is taken from the wild trees in the woods. Cocoa is planted in small patches and does well. None is exported; it all finds ready sale, and is sent to the interior. The same may be said of sugar-cane. Stock raising is engaged in quite extensively by the few wealthier Mexicans. Irrigation is not practiced, and, unless on the low plain, is not needed.

(5) Trade, with the exception of flour, coal oil, and a few other articles of small value, is nearly all carried on with Germany and England, on account of the principal merchants being from those countries. I have no doubt that in case some enterprising American with equal capital should open business here he would soon have more than his share of the trade. There is a growing demand for American goods. Goods should be shipped in rather light bundles, so that one man can handle them with ease, on account of having to be carried from

the lighters in the surf to the shore. Large, heavy bundles are liable to be dropped and get wet. After they are once on shore, they are placed in wagons and carts to be sent to Tapachula.

(6) There are no manufactories except two small saw-mills and a small ice machine. The demand in either branch is not supplied by them. There are also quite a number of merchantable salt evaporators, and a few good ones imported from San Francisco. Salt is sent from here into the interior.

Agriculture is the principal industry, and probably always will be. The soil is very productive, well watered, and the climate adapted to the growth of coffee, rubber, cacao, sugarcane, vanilla, etc. There is plenty of vacant land adapted to the growth of these products, but at present title can not be had, on account of the concessions recently given by the Government to an English Company, who are to survey all the public lands in the state of Chiapas, and until they acquire title from the Government can not sell. They propose building a pier at San Benito and a railroad from there to Tapachula, and perhaps further. If this is done, it will surely give this section a "boom," and it will, in time, probably be one of the wealthiest sections in Mexico.

It will be seen from the foregoing that there is no harbor at San Benito. In fact, there is no harbor within this consulate on the Mexican coast below Acapulco. At San Benito there is a heavy beating surf, which renders landing and the delivery of goods very difficult in stormy weather.

Agriculture in that vicinity, as it is throughout the line of this coast, is very primitive.

San Benito is on the Guatemala frontier, 460 miles from Acapulco, in the state of Soconusco.

The Tehautepec agency is in the state of Oaxaca. There are two ports, Salina Cruz and Tonalá, the former being the more important. In these, as at San Benito, there are only open roadsteads with dangerous coasts. Salina Cruz is about 300 miles from Acapulco, and Tonalá about 330 miles.

Port Angell, state of Oaxaca, is about 200 miles from Salina Cruz.

Champerico, in Guatemala, is 520 miles from Acapulco. Through ships stop there, while the ports above mentioned belonging to this consulate are visited only once a month by coast steamers that run between Panama and Acapulco.

R. W. LOUGHERY,
Consul.

UNITED STATES CONSULATE,
Acapulco, August 22, 1889.

EXPORTS OF MEXICO.

REPORT BY MINISTER RYAN.

I take pleasure in submitting herewith clippings from the *Diario Oficial*, the federal organ (with translation), and also copies of the same journal setting forth, in detail, the exports of Mexico during the first six months of the fiscal year 1888'-89, *i. e.*, to December 31, 1888, as compiled by Mr. Javier Otávoli, chief of the bureau of statistics of the Mexican treasury department.

Exports through the Mexican customs for the 6 months ending December 31, 1888.

Custom-houses.	Merchandise.		Precious metals.	Total exports.
	Quantity.	Value.		
	<i>Kilograms.</i>			
Acapulco	744,904	\$45,724.40	\$51,823.00	\$97,547.40
Altata	1,013,657	37,883.00	135,628.00	173,511.00
Bahía de la Magdalena	5,812.830	687.00		687.00
Camargo	58,569	23,680.27	5,190.00	28,870.27
Campeche	905,024	38,157.00		38,157.00
Ciudad Juárez	1,288,702.614	260,425.21	7,904,295.39	8,164,720.60
Ciudad Porfirio Díaz	35,558,850	391,746.00	348,376.25	740,122.25
Coatzacoalcas	3,483,369.900	34,760.03		34,760.03
Frontera	1,979,176.950	56,052.29		56,052.29
Guaymas	1,777,561.960	36,092.00	80,277.25	116,369.25
Guerrero	14,400	6,778.47		6,778.47
Isla del Carmen	16,452,835	318,777.00		318,777.00
La Paz	810,682.451	37,337.95	368,764.70	406,102.65
Laredo de Tamaulipas	2,009,858	428,227.78	354,397.60	782,625.38
Las Palomas	7,861.490	13,428.00	792.00	14,220.00
Mansanillo	185,198	9,773.00	275.00	10,048.00
Matamoros	553,460	110,168.50	45,408.00	155,576.50
Mazatlán	1,244,513.860	48,757.50	2,826,542.88	2,875,300.38
Mier	46,613	67,515.91		67,515.91
Nogales	459,044	33,722.00	209,409.32	243,131.32
Palominas		5,190.00	5,375.70	10,565.70
Progreso	18,721,795	2,729,233.40	16,140.00	2,745,373.40
Puerto Angel	71,232	21,243.40		21,243.40
Salina Cruz	507,005.334	24,926.05	10,332.20	35,258.25
San Blas	171,034	10,386.00	141,241.00	151,627.00
San José del Cabo	657,775	13,688.20		13,688.20
Santa Rosalia	1,950,000	312,000.00		312,000.00
Sásabe	1,932	6,853.00	400.00	7,253.00
Soconusco	149,761.635	61,538.65	9,000.00	70,538.65
Tampico	3,775,629	250,535.24	55,066.00	305,601.24
Tijuana	16,014.310	35,755.00	200.00	35,955.00
Todos Santos	1,859.290	4,367.00	10,000.00	14,367.00
Tonalá	26,162	12,516.70	92,538.25	105,054.95
Túxpam	2,343,718.090	594,531.46		594,531.46
Vera Cruz	7,690,004.891	2,197,541.37	5,894,989.06	8,092,530.43
Total	104,684,016.605	8,280,498.78	18,566,491.60	26,846,990.38

Exports from Mexico by articles during the 6 months ending December 31, 1888 and 1887.

Articles.	1888.	1887.	Increase.	Decrease.
Jewels and precious stones	\$13,273.00	\$23,416.00		\$10,143.00
Live animals	276,430.00	106,149.10	\$170,280.90	
Indigo	7,245.00	34,704.00		27,459.00
Sugar	20,410.28	67,347.55		46,937.27
Coffee	862,262.93	942,022.95		79,760.02
Hard coal	147,083.60	1,367.00	145,716.60	
Rubber	55,279.05	86,938.64		31,659.59
Flax	18,124.51	16,640.58	1,543.93	
Copper	341,978.08	288,098.00	113,880.08	
Mother-of-pearl, pearls, etc	15,428.75	13,374.00	2,054.75	
Tan-bark	8,667.50	27,610.36		18,942.86
Chewing-gum	182,284.11	187,716.25		5,432.14
Red peppers	6,009.68	5,507.68	502.00	

Exports from Mexico by articles, etc.—Continued.

Articles.	1888.	1887.	Increase.	Decrease.
Manuscript documents.....	26,354.00		26,354.00	
Baggage.....	7,942.75	4,122.00	3,820.75	
Beans.....	75,753.68	66,496.85	9,256.83	
Fruits.....	35,779.50	31,893.35	3,886.15	
Chick-pea (<i>Cicer arietinum</i>).....	22,247.00	18,753.00	3,494.00	
Guano.....	30,230.30	42,777.14		12,547.14
Hemp.....	2,713,225.90	2,710,854.42	2,371.48	
Ixile fiber.....	243,463.02	188,944.30	54,518.72	
Wool.....	15,166.13	12,468.40	2,697.73	
Books and prints.....	5,190.00	2,288.50	2,901.50	
Lemons.....	27,573.00	29,561.50		1,988.50
Woods, different kinds.....	579,293.87	785,433.56		206,139.69
Corn.....	85.00	8,658.35		8,573.35
Manufactures.....	7,634.36	11,545.58		3,911.22
Marble.....	33,760.55	12,201.00	21,559.55	
Returned merchandise.....	25,879.73	15,447.70	10,432.03	
Honey.....	20,762.40	18,267.92	2,494.48	
Copper ore.....	10,147.43		10,147.43	
Orchil.....	9,514.60	27,490.52		17,975.92
Fine pearls.....	5,000.00	33,800.00		28,800.00
Hides, mixed.....	825,128.17	753,443.99	71,684.18	
Live plants.....	5,547.00	4,328.75	1,218.25	
Lead.....	259,503.19	157,684.00	101,819.19	
Lacatin root.....	219,966.23	149,456.00	70,510.23	
Empty sacks.....	7,422.00	3,088.30	4,333.70	
Tobacco.....	432,188.66	394,785.83	37,402.83	
Vanilla.....	561,983.31	360,907.25	201,076.06	
Valuable papers.....	24,865.00		24,865.00	
Sarsaparilla.....	14,788.06	15,569.82		781.76
Divers articles not specified, as their export did not reach \$5,000 in six months.....	79,567.75	109,075.08		29,507.33
Total.....	8,280,498.78	7,710,235.22		

Exports of precious metals from Mexico, last 6 months of the calendar years 1888 and 1887.

Description.	1888.	1887.	Increase.	Decrease.
Silver ore.....	\$3,487,057.76	\$2,556,913.75	\$930,144.01	
Gold coin:				
Foreign.....	12,063.00	12,880.85		\$817.85
Mexican.....	164,219.00	90,881.00	73,338.00	
Gold bullion.....	177,257.04	178,484.85		
Silver coin:				
Foreign.....	77,388.06	14,980.58	62,407.48	
Mexican.....	10,777,922.16	10,070,038.38	707,883.78	
Silver dross.....	4,976.19	3,250.00	1,726.19	
Mixed silver (silver with gold).....	40,820.09	128,261.71		87,441.62
Silver bullion.....	3,410,676.27	3,075,114.76	335,561.51	
Sulphate of silver.....	394,373.26	407,251.60		12,878.34
Argentine lead.....	19,738.77	29,125.00		9,386.23
Total.....	18,566,491.60	16,567,182.48		

Exports from Mexico to the various countries during the 6 months ending December 31, 1888

Countries.	Merchandise.		Precious metals.	Total exports.
	Quantity.	Value.		
	<i>Kilograms.</i>			
Germany	4,933,288.740	\$297,214.63	\$764,020.28	\$1,081,234.91
Belgium	37,632.500	30,044.00	.....	30,044.00
Colombia	36,394.054	15,914.45	26,900.00	42,814.45
Costa Rica	110,526	1,440.00	.....	1,440.00
Spain	1,564,903.128	147,001.15	100,489.65	247,490.80
United States	79,983,014.228	6,794,203.24	11,774,932.10	18,569,135.34
France	3,252,748.260	299,759.11	842,519.13	1,142,278.25
Guatemala	7,928	1,112.00	158,537.95	159,649.95
Holland	74,014	7,080.00	.....	7,080.00
England	14,682,415.695	685,710.20	4,877,229.99	5,562,940.19
Nicaragua .....	.....	.....	1,862.50	1,862.50
Argentine Republic	530	520.00	.....	520.00
San Salvador	360	300.00	.....	300.00
Venezuela	262	200.00	.....	200.00
Total	104,684,016.605	\$,280,498.78	18,566,491.60	26,846,990.38

THOMAS RYAN,
Minister.

UNITED STATES LEGATION,
Mexico, August 30, 1889.

Mineral oils and electric light.—Consul-General Hosmer, of Guatemala, under date of September 7, 1889, reports that since the introduction of electric lighting into several of the towns of Guatemala there has been a large diminution in the importation of mineral oils. The city of Guatemala—the capital of the Republic—containing nearly 70,000 inhabitants, formerly consumed 30,000 gallons of mineral oil annually. Now the reduction in the consumption is one-half. Quezaltenango, a city of 30,000 inhabitants, formerly used 10,000 gallons, but since the introduction of electric lighting the demand for oil is similarly decreased. At the port of San José, where 500 cases of 10 gallons each were used prior to the establishment of the electric light plant, there is now an exceedingly limited requirement. In Retalhulen, which demanded 600 cases annually for consumption, the decline is over nine-tenths, and the same is likely to be equally true as to Antigua, in which city electric lights are about being adopted. During the past year the importation of mineral oil was 7,629 cases of 10 gallons each, transported from New York in sailing vessels. The duties paid on a case of 10 gallons is \$2.07 in Guatemala currency, equivalent to \$1.53 of United States gold. The average selling price of mineral oils in Guatemala is \$7.50 per case of 10 gallons, or \$5.55 in United States gold.

FEDERAL TAXATION IN MEXICO.*

REPORT BY CONSUL-GENERAL SUTTON, OF MATAMOROS.

LEGISLATIVE POWER.

As in the United States, the supreme federal power is divided for its exercise into legislative, executive, and judicial. (Constitution of Mexico.)

The legislative power is vested in a general congress composed of two houses, one of deputies and one of senators.

The House of Deputies is elected every two years by an indirect ballot on a basis of one for each 40,000 inhabitants or major fraction thereof.

The Senate is elected for four years by state legislatures. Two from each state and the federal district. As one-half is re-elected each two years it is a continuous body like that of the United States.

The right to initiate laws is given to the executive, to the deputies and senators, and to the legislatures of the states; but all bills which treat of loans, taxes, or imposts, or the recruiting of troops must be first discussed in the House of Deputies.

The veto of the executive may be in whole or in part, and an absolute majority of both houses is sufficient to pass a law over the veto.

Congress holds two sessions annually, the first from September 16 to December 15, and the second from April 1 to May 31. On the 14th of December the executive presents the budget estimates for the coming fiscal year and the accounts for the last. These are referred to appropriate committees, and a report on the budget estimates is made on April 2, whereupon the levy and expenditures for the year beginning July 1 following are enacted.

SOURCES OF REVENUE.

By the law of May 29, 1885, the receipts for the fiscal year ending June 30, 1886, are ordered to be as follows:

(1) Import duties on foreign merchandise, as provided by the general tariff law and rates of duty of January 24, 1885. (A complete translation of this law is given in No. 53½ of United States Consular Reports for June, 1885.)

(2) Consumption duties on foreign goods in the federal districts and territories of Tepic and Lower California, as provided by the law of August 11, 1875, and increasing said law by 5 per cent. on the duties therein stated.

(3) Tonnage, pilotage, warehouse, and light dues, as provided by the law of January 24, 1885. The light dues are changed so as to be \$25 for entry and the same for clearance of sail vessels, and \$100 for steam-vessels, when they carry merchandise. This shall be payable only in the first port where there shall be a light.

(4) Export duty on orchil at \$10 per 1,000 kilograms.

* Received too late for insertion among the special reports on taxation in foreign countries (99 and 100).

(5) Export duty on woods, whether for building or cabinet uses, at \$1.50 per stere (31.3 American cubic feet), according to the official legal measurement then in force.

(6) Transit dues on such woods coming from a foreign country at \$1.50 per ton of a cubic meter.

(7) Transit dues as provided by the said tariff law and by special concessions to railways.

(8) Navigation licenses (law of July 9, 1857).

(9) Consular fees (law of January 24, 1885).

The executive is also authorized to change the fee list in said law and to prepare and publish an entirely new tariff law and rates of duty.

(10) Stamp tax, according to the various laws which are cited.

(11) Predial tax on occupations and professions in the federal district (law of April 8, 1885).

(12) Toll (*portazgo*) tax on domestic goods in federal district (laws of June 25, 1883, and May 30, 1884).

(13) One-half of 1 per cent. on the value of the silver bullion and one-fourth of 1 per cent. on value of gold bullion and dust, according to law of May 26, 1882, and regulations of the treasury of September 15, 1882.

(14) Products of the national lottery, and 10 per cent. on premiums of drawings of other lotteries anywhere in the country (law of June 28, 1872), except those specially excepted.

(15) Taxes on collateral inheritances and bequests to National Library, as provided by laws stated.

(16) Mintage, assay, coinage, and smelting, as provided by laws then in force.

(17) Products of the mail service.

(18) Products of the federal telegraph.

(19) Products of subscriptions and sales of *Diario Oficial*, *Semanario Judicial*, and *Boletin Judicial*.

(20) Fines for infraction of federal laws.

(21) Repayments of accounts, liquidation of balances, etc.

(22) Sales of public lands.

(23) Earnings of federal railways.

(24) Receipts from other railways by virtue of existing laws.

(25) Sales of nationalized estates.

(26) Rents, etc., of Government property.

(27) Products of the Government printing-offices.

(28) Legalization of signatures (law of October 12, 1830).

(29) Products of the schools of arts and agriculture.

(30) Gifts.

(31) Products of any sums, vacant properties or lands, values or rights of any sort belonging to the federation.

The executive is authorized to modify the tax on lotteries (14).

By the report of the secretary of the treasury made for the year ending June 30, 1886, it is seen that the actual receipts for the year under the previous heads were as follows :

(1) Imports.....	\$14,852,980.15
(2) Consumption duties.....	286,220.02
(3) Tonnage, etc.....	54,645.98
(4) Export duty on orchil.....	15,518.10
(5) Export duty on woods.....	91,966.70
(6) Transient dues on foreign woods.....	
(7) Transient dues.....	2,115.49
(8) Navigation licenses.....	256.00
(9) Consular fees.....	91,031.40
Total from imports and exports	<u>15,394,733.84</u>
(10) Stamp tax.....	5,877,458.41
(11) Predial tax.....	1,023,349.52
(12) Toll tax.....	1,234,270.37
(13) Silver and gold bullion, etc.....	149,554.68
(14) National and other lotteries.....	231,252.21
(15) Collateral, inheritances, etc.....	170,928.08
(16) Mintage, etc.....	77,976.54
Total from interior taxes	<u>8,764,789.81</u>
(17) Mail service.....	672,329.80
(18) Government telegraph.....	155,442.82
(19) Subscriptions, etc.....	3,989.40
(20) Fines.....	18,428.61
(21) Balances, etc.....	4,053.02
(22) Public lands.....	195,771.71
(23) Earnings of federal railways.....	3,530.11
(24) Other railways.....	
(25) Nationalized estates.....	149,578.78
(26) Rents, etc.....	303,050.08
(27) Government printing-offices.....	11,456.50
(28) Legalization of signatures.....	5,170.30
(29) Schools of art and agriculture.....	
(30) Gifts.....	25,832.47
(31) Other receipts.....	3,089,572.12
Unclassified receipts.....	183,166.39
Total from miscellaneous taxes	<u>4,821,372.11</u>
Total revenue	<u>28,980,895.76</u>

The receipts under heads 22, 25, 26, and 31, \$3,737,972.69 were paid partly in bonds, whose actual cash value can hardly be estimated. While the actual cash received thereunder is not likely to have exceeded \$1,000,000, yet the amount of outstanding Government obligations was reduced by the value stated.

The total receipts above given for the year 1886, as compared with previous years are shown in the following summary :

Summary showing the receipts of the Mexican federal treasury from customs and from other sources from 1868 to 1886.

Year ending June 30—	Customs.	Other.	Total.
1868.....	\$8,628,000	\$6,761,000	\$15,389,000
1869.....	9,606,000	6,307,000	15,913,000
1870.....	8,496,000	5,182,000	13,678,000
1871.....	10,871,000	5,162,000	16,033,000
1872.....	9,051,000	6,234,000	15,285,000
1873.....	9,244,000	6,495,000	15,739,000
1874.....	11,349,000	6,551,000	17,900,000
1875.....	10,127,000	7,471,000	17,598,000
1876.....	9,178,000	8,088,000	17,266,000
1877*.....	9,320,000	9,089,000	18,409,000
1878.....	13,450,000	6,323,000	19,773,000
1879.....	10,465,000	7,346,000	17,811,000
1880†.....	12,754,000	8,370,000	21,124,000
1881‡.....	14,462,000	8,711,000	23,173,000
1882.....	18,030,000	10,249,000	28,279,000
1883.....	19,120,000	11,570,000	30,690,000
1884.....	17,424,000	10,861,000	28,285,000
1885.....	15,461,000	11,769,000	27,230,000
1886.....	15,395,000	13,586,000	28,981,000

* Diaz became president ; \$1,500,000 of extraordinary contribution.

† Reforms and peace increased revenue.

‡ Gonzalez president, railway building increased imports.

DETAILS OF REVENUE.

(1) *Imports.*—Going back now to the first source of revenue—the duties on merchandise imports—we see that this sum was \$14,853,000.

The following summary shows substantially the amount of revenue derived from the different classes of imports. Not having the data for the year under consideration I have used previous years and made some slight modifications because of tariff changes.

Description.	Per cent.	Value.
Calicoes.....	21	\$3,119,000
Cotton cloths, plain, bleached, unbleached, etc.....	12	1,782,000
Other cottons.....	17	2,525,000
Total from cottons.....	50	7,426,000
Linens.....	5	743,000
Woolens.....	7	1,040,000
Silks.....	2	297,000
Mixed fabrics.....	5	743,000
Groceries.....	9	1,336,000
Earthen and other ware.....	2	297,000
Metals and manufactures.....	8	1,118,000
Drugs.....	1	149,000
Other.....	11	1,634,000
Total.....	100	14,853,000

Import duties levied on the principal articles.

Articles.	Unit.	Duty.
Cotton textiles and clothing:		
Calicoes.....	Square meter ..	\$0. 12
Cotton cloth, plain, bleached, or unbleached —		
30 threads.....	do.....	.09
More than 30 threads.....	do.....	.11
Other.....	do.....	\$0. 15 to .20
Cotton yarn and thread.....	Kilogram.....	.90 to 1.20
Handkerchiefs.....	Each.....	.18
Shawls.....	Kilogram.....	1.80 to 2.50
Rebozos.....	Square meter ..	1.20 to 4.90
Clothing.....	Kilogram.....	1.70 to 2.50
Fringe, tape, etc.....	do.....	2.50
Dress patterns.....	do.....	1.20
Shirts.....	do.....	1.30 to 2.00
Socks, etc.....	do.....	1.75
Under drawers.....	do.....	1.80
Cotton —		
Ginned.....	do.....	.08
Unginned.....	do.....	.03
Linens (sheetings, etc.).....	Square meter ..	.13 to .35
Woolens:		
Cassimeres, cloth, etc.....	Kilogram.....	1.50 to 3.00
Shawls and handkerchiefs.....	do.....	1.45 to 8.80
Silks:		
Ribbons.....	do.....	16.00
Umbrellas, etc.....	Each.....	1.75
Handkerchiefs, etc.....	Kilogram.....	9.00
Thread, etc.....	do.....	8.00
Raw.....	do.....	9.00
(Mixed silks pay very high duties, but these can not be well defined.)		
Groceries:		
Sugar (common or refined).....gross weight...	Kilogram.....	.15
Coffee.....net weight...	do.....	.10
Wheat flour.....do.....	do.....	.11
Soap (common).....gross weight...	do.....	.18
Lard.....net weight...	do.....	.20
Wrapping-paper.....gross weight...	do.....	.08
Writing-paper, etc.....net weight...	do.....	.10 to .65
Earthen and glass ware:		
Glass.....do.....	do.....	.20
Earthen and China.....gross weight...	do.....	.15
Hardware, etc.:		
Nails, brads, etc.....do.....	do.....	.10
Bar, plate, iron, etc.....do.....	do.....	.05
Sheet-iron, etc.....do.....	do.....	.10
Tools and implements.....do.....	do.....	.10
Tin.....do.....	do.....	.07 to .20
Drugs, etc.:		
Kerosene (coal-oil).....net weight...	do.....	.10
Starch.....gross weight...	do.....	.08
Varnishes.....legal weight...	do.....	.18
Quinine.....net weight...	do.....	1.00
Miscellaneous:		
Carriages.....light vehicles...	100 kilograms..	.60
Do.....over 1,000 kilograms...	do.....	.35
Omnibuses.....net weight...	Kilogram.....	.10
Light wagons.....do.....	do.....	.20
Fire-arms.....gross weight...	do.....	.25 to 1.25
Gunpowder.....do.....	do.....	1.00
(Blasting-powder pays a very low duty.)		

Import duties levied on the principal articles—Continued.

Articles.	Unit.	Duty.
Miscellaneous—Continued.		
Furniture.....gross weight...	Kilogram.....	\$0.15 to \$0.35
Patent leather, etc.....net weight...	.....do.....	1.55
Shoes, etc.....	Per pair.....	.40 to 2.50
Gloves.....legal weight...	Kilogram.....	2.75 to 4.50
Hammers.....gross weight...	.....do.....	1.50
Horses (castrated).....	Each.....	40.00
Hair (human).....	Kilogram.....	10.00
Tobacco—		
Chewing.....	.....do.....	.68 to 1.10
Leaf.....	.....do.....	.18 to 1.37
Smoking.....	.....do.....	1.37
Cigarettes.....	.....do.....	1.37
Cigars.....	.....do.....	5.40

This list is not intended to be exact, but to show approximately some of the principal sources of the import revenue. Those who desire more exact information as to the duties are referred to the translations of three different tariffs sent from this office.

The \$14,853 of import duties were paid at the following custom-houses:

Vera Cruz	\$8,554,000
Mazatlan	1,380,000
Paso del Norte	1,346,000
Neuvo Laredo.....	574,000
Progreso.....	526,000
San Blas	470,000
Manzanillo.....	362,000
Nogales.....	300,000
Tampico.....	249,000
Guaymas.....	193,000
Frontera.....	170,000
Acapulco.....	154,000
Other.....	575,000
Total	14,853,000

(2) *Consumption duties.*—The second source of revenue, the \$286,000 of consumption dues, were paid—\$276,000 in the Federal District and the remaining \$10,000 in the territories of Tepic and Lower California—in about equal portions.

(3) *Tonnage dues.*—The tonnage dues, etc., amounting to \$55,000, were paid at—

Progreso.....	\$13,000
Vera Cruz.....	10,000
Mazatlan	7,000
Santa Rosalia	6,000
Isla del Carmen	6,000
Other.....	13,000
Total	55,000

(4) *Export duties*.—Of the \$16,000 export duty on orchil \$14,000 was paid at Magdalena, the balance at La Paz and Altata.

(5) The \$92,000 export duty on woods was paid at—

Coahuacalcos.....	\$27,000
Frontera.....	24,000
Isla del Carmen.....	23,000
Tuxpam.....	8,000
Tonalá.....	5,000
San Blas.....	4,000
Other.....	1,000
Total.....	92,000

(6) *Transit duties*.—Transit duties on foreign woods returned no revenue.

(7) The other transit dues, only \$2,000, were paid at Soconusco.

(8) *Navigation licenses*.—Navigation licenses only brought in \$256, which was paid in by the jefaturas of Sinaboa and Vera Cruz.

(9) *Consular fees*.—The \$91,000 of consular fees were received as follows:

New York.....	\$21,000
Liverpool.....	10,000
San Francisco.....	9,000
Hamburg.....	8,000
Havre.....	5,000
Paris.....	5,000
El Paso.....	4,000
Havana.....	4,000
Bordeaux.....	4,000
St. Nazaire.....	3,000
New Orleans.....	2,000
Cadiz.....	2,000
Nogales.....	2,000
Other.....	12,000
Total.....	91,000

(10) *Stamp taxes*.—The \$5,877,000 brought in by the stamp tax was distributed as follows:

(a) Documents and books.....	\$1,281,000
(b) Federal (25 per cent. additional on any federal, state, or municipal tax)....	2,988,000
(c) Commercial transactions.....	1,205,000
Fines.....	5,000
(d) Two per cent. on custom-house stamps.....	270,000
Other (mostly "federal") paid in cash.....	128,000
Total.....	5,877,000

The law under which this tax is collected fills a pamphlet of over ninety pages.

I shall be unable, within the limits of such a report as this, to do more than give a very brief description. Four classes of stamps are issued, (1)

for documents and books, (2) for federal contributions, (3) for commercial transactions, (4) for custom-houses. They are only valid during the fiscal year, and those remaining over in the hands of individuals must, under penalty of fine, be exchanged for new ones in July of each year.

The stamps for documents and books are from \$50 down to 1 cent, those for federal contributions from \$5 down to 1 cent, those for commercial transactions from \$100 down to $0\frac{1}{4}$ cent, and the special custom-house stamps from \$1,000 down to 1 cent.

Under the first head a commercial house, business agency, or company of any sort with capital exceeding \$2,000 must keep the books prescribed by law, and these must be stamped on each page. Statements of account, balances, due-bills, pagaris, vales, letters of credit and of exchange, certificates of deposit, pawn tickets, bonds, bank-bills, checks, drafts, petitions to and orders of the courts, bills of lading (land or marine), contracts and bonds (public or private), most copies (whether simple or certified), acts of division and partition (duplicates or triplicates), public documents, manifests, invoices, legalization of signatures, licenses, permits for public entertainments, lotteries, patents (\$20), petition to load or unload vessels (\$8 down to 50 cents), to import or export, to transport and dispatch goods, to internate goods, permits of nearly all sorts, policies, protests, protocols, receipts, telegrams, wills, deeds, titles to lands or mines, and many others pay a document or book tax of from \$5 down to 2 cents per page.

The original telegram pays only 1 cent, but if it serves as a receipt, draft, or order for any value, it pays the corresponding tax. If it be in cipher the sender must certify that it does not serve as a receipt, or, stating the amount, affix the proper stamps.

The professional licenses are taxed as follows: Lawyers, chemists, and physicians, each \$20; notaries and engineers, \$15; agents, brokers, and scientists, \$10; farmers, dentists, auctioneers, and midwives, \$5 each.

Every person holding a commission in the federal, state, or municipal service bearing a salary of over \$300 per annum pays—

From \$300 to \$499.....	\$10
From \$500 to \$999.....	20
From \$1,000 to \$1,999.....	30
From \$2,000 to \$2,999.....	40
From \$3,000 to \$3,999.....	50
From \$4,000 up.....	60

The federal contribution, which produces 50 per cent. of the whole stamp tax revenue, is a tax of 25 per cent. additional on almost every federal, state, or municipal tax.

If the tax be \$1 or \$100, there is always the additional 25 per cent. federal to be paid at the same time. It is done by buying, affixing, and canceling the amount in stamps.

The third tax imposes a tax of one-half of 1 per cent. on all commercial transactions, whether wholesale or retail, and also on all transfers of real

estate or personal property, enveltages, gifts, bonds, legacies, inheritances, rents, or contracts.

Eight per cent. additional on wines, brandies, liquors, and beer imported, besides the regular import duty, and 3 per cent. on wholesale sales of the same class of domestic goods.

Tobacco worked in cigarettes, cigars, and snuff also pays a high duty. Every purchase over \$20 in value must be witnessed by a bill duly stamped, and to be a legal receipt must also have the other stamps provided for documents.

Every retail dealer must have a license, paying therefor every two months the amount assigned at the rate of one-half of 1 per cent. on estimated sales.

The fourth class of stamps, 2 per cent. additional for custom-houses, only produced \$270,000 in the year under discussion. It is collected after this manner: When an importer has paid into the custom-house, say, \$1,000 for duties on imports he takes a receipt for the payment and proceeds to the stamp-office and exchanges this receipt for an equal amount of custom-house stamps, paying for this operation 2 per cent. additional in cash. The custom-house stamps are placed upon the guia which covers the import of the goods.

All stamps must be canceled by the interested parties at the date of using, either in writing or by means of a stamp. The fines for non-compliance are very heavy, running from \$5 to \$500, but the amount collected therefrom was only \$5,000. Transportation companies are allowed to increase their rates so as to cover the extra amounts for stamps. Special stamp-offices are established in the larger towns and in others the post-office is charged with their sale.

(11) *Land tax*.—The eleventh source of revenue gave receipts as follows:

In federal district:

Predial tax.....	\$718,000
Patents.....	275,000
Professions.....	13,000
Total.....	<u>1,006,000</u>

Territory of Tepic:

Predial tax.....	14,000
Other.....	3,000
Total.....	<u>17,000</u>

(12) *Poll tax*.—The twelfth, the toll (*portazgo*) or octroi duty on domestic goods, was as follows:

Federal district.....	\$1,171,000
Tepic.....	48,000
Lower California.....	15,000
Total.....	<u>1,234,000</u>

(13) *Bullion tax*.—The one-half of 1 per cent. on silver bullion and one-fourth of 1 per cent. on gold bullion and dust was paid at—

Mexico City.....	\$37,000
Zacatecas.....	25,000
Guanajuato.....	24,000
San Luis Potosi.....	16,000
Chihuahua.....	13,000
Mazatlan.....	11,000
Other.....	24,000
Total.....	150,000

(14) *Lottery tax*.—The National Lottery and 10 per cent. on other lotteries produced:

National Lottery.....	\$225,000
Other.....	6,000
Total.....	231,000

(15) *Inheritance tax*.—Collateral inheritance, etc., brought in from wills \$171,000; gifts to the public library were only \$170.

(16) *Mint tax*.—The mintage, etc., charges were:

Mazatlan.....	\$26,000
Mexico City.....	26,000
Neuvo Laredo.....	11,000
Oaxaca.....	7,000
Guaymas.....	6,000
Other.....	4,000
Total.....	80,000

(17) *Post-office receipts*.—The post-office produced as follows:

Stamps sold.....	\$662,000
Box rent.....	10,000
Total.....	672,000

(18) *Telegraph receipts*.—The products of the telegraph were:

Mexico City.....	\$16,000
Mazatlan.....	7,000
San Luis Potosi.....	5,000
Vera Cruz.....	4,000
Durango.....	4,000
Guadalajara.....	4,000
Oaxaca.....	3,000
Morelia.....	3,000
Monterey.....	3,000
Catorce.....	3,000
Saltillo.....	3,000
Other (187) offices.....	100,000
Total.....	155,000

(19) *Receipts for official publications.*—Sales and subscriptions to *Diario Oficial*, etc., were \$4,000.

(20) Fines produced \$18,000 of which \$10,000 came from telegraph offices, the rest from stamp-tax offices and custom-houses.

(21) Balances and liquidation of accounts produced only \$4,000, nearly all from the federal district.

(22) *Sales of public lands.*—Sales of public lands were made at—

General treasury.....	\$135,000
Chihuahua.....	13,000
Sonora.....	10,000
Tabasco.....	7,000
Lower California.....	7,000
Coahuila.....	6,000
Chiapas	6,000
Sinaloa	6,000
Durango	4,000
Other.....	2,000
Total.....	196,000

(23) *Railway receipts.*—Earnings of federal railways were, railways from Pueblo to San Martin Texmelucan, \$4,000; other railways produced nothing.

(24) *Church estates.*—Sales of nationalized estates formerly taken from the clergy amounted to \$241,000, and were sold to various persons. But the expenses for the same were \$91,000, leaving a net product of \$150,000.

(25) *Rents.*—Rents, etc., of federal properties came from—

Mint in city of Mexico (1 per cent. of coinage).....	\$78,000
Mint in Guanajuato.....	55,000
Mint in Zacatecas.....	51,000
Mint in San Luis Potosi.....	36,000
Mint in Chihuahua.....	31,000
Mint in Culiacan, Alamos, and Hermosillo.....	18,000
Mint in Durango.....	12,000
Mint in Guadalajara.....	10,000
Mint in city of Mexico (rent).....	5,000
On salt in various states.....	1,000
On exportation of lime.....	2,000
On exportation of guano.....	1,000
Other dues.....	3,000
Total.....	303,000

(26) *Book receipts.*—Receipts for books printed by the General Government were \$11,000.

(27) *Legalization of signatures.*—The legalization of signatures brought in \$5,000 from consulates abroad.

(28) *Schools of agriculture.*—The schools of agriculture and arts brought in no revenue.

(29) *Gifts.*—Gifts to the treasury were \$26,000.

(30) *Miscellaneous receipts*.—Other receipts were:

Sales of federal properties.....	\$1,270,000
Receipts from former years.....	1,672,000
Profits.....	89,000
Various sales.....	17,000
Forfeiture of concessions.....	17,000
Not specified.....	9,000
Mexican telegraph company.....	7,000
Other.....	9,000
Total.....	3,090,000
Unclassified receipts.....	183,000

The foregoing is a full exposition of the actual revenues of the General Government for the year under consideration, 1886, the last one for which data is to hand.

PERCENTAGE OF SOURCE OF RECEIPTS.

Estimating the total revenue at 100 per cent., we find the percentage contributions were as follows:

	Per cent.
(1) Import duties.....	51
(2) Consumption dues.....	1
(3) Tonnage, etc.....	0½
(5) Export on wood.....	0½
(9) Consular fees.....	0½
(10) Stamp tax.....	20½
(11) Predial tax.....	3½
(12) Toll tax.....	4½
(13) Silver and gold.....	0½
(14) Lotteries.....	0¾
(15) Inheritances.....	0½
(16) Mintage.....	0¼
(17) Mails.....	3
(18) Telegraph.....	0½
(22) Public lands.....	0¾
(25) Nationalized estates.....	0½
(26) Rents.....	1
(31) Other.....	10¾
Unclassified.....	0½
All other.....	0½
Total.....	100

If we charge against the import duties one-half the expenses of the treasury department, one-fourth those of the federal treasury, and the whole of the collection and vigilance expenses proper, the total of about \$2,400,000 is seen to be 16 per cent. of the amount collected.

The cost of collecting the stamp tax is stated at salaries, commissions, and expenses, \$390,000; printing stamps, \$103,000; a total of \$493,000 to collect \$5,877,000, or 8¾ per cent.

It would be interesting to show at length the percentage of cost of collecting the various items of the revenue, and also of comparing the revenue of Mexico with that of other countries. But this paper is already long enough, and such topics are more nearly allied to the subject matter of the succeeding papers. In this series I hope to give also a report showing the amount and classes of the debt of Mexico so soon as the funding operations now in progress are completed.

A careful study of this subject convinces me that the revenues of Mexico can, with peace and good administration, be easily doubled in a few years, and that the debt is not too great to be easily carried and ultimately paid.

WARNER P. SUTTON,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Matamoros, February 8, 1888.

SONORA WHEAT IN LIVERPOOL.

REPORT BY CONSUL WILLARD, OF GUAYMAS.

I herewith inclose a report on the price paid by the shippers of wheat to the producers, the cost of transportation to Liverpool (via Nogales and New Orleans), the price realized, and profit. This is based on the result of the first five car-loads shipped.

I forward this information to the Department as agricultural data, and as the result of the first experiment made in this consular district of shipping wheat to Europe. The shipments up to this date to Europe approximate 500 tons.

The price for wheat now asked by the producers has increased from 1 cent to $1\frac{3}{8}$ cents per pound, or from \$1 to \$1.12 per 100 pounds.

Calculation on first shipment of wheat from Sonora, Mexico, to Liverpool, England: Cost per 100 pounds, delivered on cars, (Mexican silver) \$1; sacking, 8 cents; Nogales custom-house charges and brokerage per 100 pounds, 3 cents; insurance to Liverpool, 1 cent; freight, Sonora to Liverpool, \$1.12; total cost at Liverpool (Mexican silver), \$2.24. Cost per ton of 2,000 pounds at Liverpool, in Mexican silver, \$44.80, which in gold is equal to \$32.70. Sold in Liverpool at 7s. 6d. per cental (about \$1.87 per pound); equal to about, in gold, \$37.40 per ton of 2,000 pounds; cost in gold, \$32.70; profit, \$4.70, gold. The margin of \$4.70 gold does not include commission for sales in Liverpool.

A. WILLARD,
Consul.

UNITED STATES CONSULATE,
Guaymas, August 31, 1889.

THE MEXICAN BUDGET.*

REPORT BY CONSUL-GENERAL SUTTON, OF MATAMOROS.

The estimates of the expenses of the Federation are for the year 1886. For the year under review the regular budget filled 134 printed pages and appropriated \$38,903,353.16. Supplemental bills, amounting to \$3,554,968, were passed, making the total appropriations \$42,458,321.16.

The expenditures are classed as follows: (1) legislative, (2) executive, (3) judicial, (4) foreign office, (5) home office, (6) justice and public instruction, (7) public works, (8) treasury, (9) war and navy.

By decree of July 1, 1885, all payments not provided for are illegal. Appropriations are made by the House of Deputies alone. This house also enacts laws necessary to raise the amounts appropriated. General legislation is by both houses.

I. LEGISLATIVE EXPENSES.

The legislative expenses were for 227 deputies and 56 senators at \$3,000 per annum each, \$662,797; paid, \$530,319, the balance going over. The senators cost \$150,699, of which \$120,459 was paid and the balance, \$30,240, went over. Five thousand dollars was allowed for traveling expenses of certain congressmen, and the amount paid is included in the above amount.

The office of the house secretary has a chief clerk at \$3,000; second, \$1,800; editor of *Diario de los Debates*, \$1,400; 6 short-hand writers, 1 at \$1,800, 1 at \$1,200, and 4 at \$723, and other officials, servants, etc. The cost was \$31,555, of which \$28,014 was paid and \$3,500 went over.

The ordinary and extraordinary expenses of the house (rent, \$3,800; library, \$1,500; printing, \$2,000; debates, \$4,000, etc.,) were estimated at \$16,730; paid, \$16,230; over, \$500.

The office of the secretary of the senate has a similar but smaller staff, and cost \$18,579; paid, \$16,345; over, \$2,234.

The ordinary and extraordinary expenses of the senate were \$9,004, all of which were paid.

The congressional treasury has a treasurer at \$4,000, chief auditor at \$4,000, 6 auditors at \$2,500, 6 at \$2,000, book-keeper at \$1,500, 13 clerks and keeper of archives at \$1,000, 15 writers at \$602; porter, \$500; 2 servants, \$361, and minor expenses. The total cost was \$68,609, of which \$58,434 was paid and \$9,575 went over.

Résumé of legislative department: Earned, \$957,373; paid, \$778,805; over, \$178,568.

2. EXECUTIVE EXPENSES.

The President earned \$30,000, of which \$15,000 was paid and the balance went over. The private secretary's office earned \$2,600, of which \$2,403 was paid and \$197 went over. The staff includes a colonel of in-

* This and the report on federal taxation were received too late to be published in the special reports ("Budgets of Foreign Countries" and "Taxation in Foreign Countries").

fantry as adjutant, \$2,467; a colonel of cavalry, \$2,716; 2 lieutenant-colonels of infantry, \$1,653 each; 1 of cavalry, \$1,810; concierge, \$1,000; 2 porters, \$803; 2 servants, \$372. Earned, \$9,967, of which \$8,598 was paid and \$1,369 went over. Thus in the executive department \$42,567 were earned, \$26,001 were paid, and \$16,566 went over.

3. JUDICIAL EXPENSES.

The supreme court (14 magistrates at \$4,000, procurador-general and treasurer at \$4,000 each, 3 secretaries at \$3,000, minor officials and "seminaria judicial," \$4,800;) earned \$107,766, of which \$89,409 was paid and \$18,357 went over.

There are 8 circuit courts, one in Mexico, Culiacan, Chihuahua, Quretaró, Guadalajara, Merida, Monterey, and Vera Cruz. The magistrates have a salary of from \$2,000 to \$4,000. These, with the subordinate officers, earned, including small office expenses, \$67,030, were paid \$56,115, and \$10,915 went over.

There are 37 district courts in the different principal cities, where magistrates receive from \$2,000 to \$4,000, but generally about \$3,000. These, with the minor officials and expenses, earned \$247,313, paid \$209,224, while \$38,089 went over.

Thus the department of justice earned \$422,109, was paid \$354,748, and \$67,361 went over.

4. FOREIGN OFFICE.

The secretary for foreign affairs receives \$8,000. The diplomatic service is as follows:

Minister to—	Salary.	Minister to—	Salary.
United States.....	\$15,000	Great Britain.....	\$15,000
Central America.....	10,000	Germany.....	15,000
Spain and Portugal.....	15,000	Italy.....	10,000
France.....	15,000	Belgium.....	10,000

These, with their secretaries and other expenses, were credited \$147,435; paid, \$103,992; over, \$43,443. Under head of general foreign office expenses the sum of \$42,777 was earned, \$41,186 paid, and \$1,591 went over.

The keeping of the archives cost \$8,734, of which \$7,842 was paid and \$892 went over.

The traveling expenses and incidental payments to the diplomatic and consular officers were: Earned, \$43,364; paid, \$40,943; over, \$2,421.

The consuls receive salary as follows: New York, \$5,000; Hamburg, Liverpool, Paris, and San Francisco, \$4,000; Havana, New Orleans, Bordeaux, Havre, and St. Nazaire, \$3,000; Brownsville, \$2,500, and smaller salaries at a few other points. For these there was credited as earned \$78,038; paid, \$59,504; went over, \$18,534.

Résumé for department of foreign affairs: Earned, \$373,568; paid, \$298,254; went over, \$75,314.

5. THE HOME OFFICE EXPENSES.

The home secretary receives \$8,000; chief clerk, \$4,500; and 5 chiefs of division, \$3,000. His office, including salaries and office expenses, cost \$55,296; paid, \$46,346; went over, \$8,950.

The school for the blind has a director at \$1,200 and a small corps of instructors. It cost \$16,819; paid, \$16,487; went over, \$332.

The school of arts and works for women has a director at \$1,200, instructors from \$602 to \$183, and cost \$21,322; paid, \$20,921; over, \$401.

House for foundling infants has a director at \$1,200, with \$6,000 for expenses. Earned, \$7,201; paid, \$7,022; went over, \$179.

The superior board of health has seven members at \$1,402, inspector of food and drinks at \$1,000, and a keeper of vaccine. Earned, \$21,859; paid, \$919,460; went over, \$2,399.

The government of the territory of Lower California is delegated to a *jefe político* at \$4,000, with most of the powers of a governor, and has sub-prefects in the various portions of the territory. The amount earned was \$14,848; paid, \$12,123; went over, \$2,725. The rural guards of the same territory were allowed \$10,000, all paid. Judicial expenses of the same territory: Credited, \$1,680; paid, \$1,630; over, \$50.

The home secretary has under his orders certain gendarmes. Of these the mounted rural police, some 1,700 men in 9 corps, have each a commandant at \$2,520, a chief of battalion at \$1,800, a pay-master at \$1,400, 3 first sergeants at \$1,260, 12 second sergeants at \$720, and 188 guards at \$405. These were credited \$858,332; paid, \$830,188, and the balance of \$28,144 went over.

The mounted district police consist of some 70 officers; commander, \$2,000; chief of detail, \$1,602; 3 officers at \$1,000; 14 at \$803; minor officers and 230 guards at \$274, with forage, horse, and clothing. The foot police consists of 83 officers, 1,080 guards at \$1 per day, 130 auxiliary guards at 50 cents, with clothing. These two bodies were credited \$725,448; paid, \$708,334, and the balance of \$17,114 went over.

The purchases of horses and fittings were \$67,991, of which \$37,260 were paid and \$30,731 unpaid.

The prefects, 4 at \$1,803 each, with minor officers and expenses, cost \$15,812; paid, \$14,371; went over, \$1,441.

The general expenses of the home office include printing and printers, \$28,000; writers, telegrams, celebrations, \$8,000; support of federal criminals, \$47,000. Hospitals, gifts, and building penitentiary were \$174,468, of which \$155,988 were paid and \$18,480 unpaid.

The general post-office has an administrator at \$4,500; heads of division at \$3,000, and other employes. These, with inspection, printing, etc., cost \$209,982; paid, \$136,991; over, \$72,991.

The post-offices in all the country, salaries and expenses, were \$323,500; carrying mail, \$359,845; a total of \$684,345, of which \$632,224 were paid and \$52,121 went over.

The postmaster at Vera Cruz receives \$2,628, but only a few others get over \$1,000 per annum.

The mail agents on subsidized railways and steam-ships cost in salaries \$144,400; paid, \$139,278; over, \$5,122.

The subvention to steam-ship lines were—

Lines.	Earned.	Paid.	Due.
Pacific Mail	\$30,000	\$4,000	\$26,000
Alexander	98,000	64,000	34,000
Morgan	4,200	.....	4,200
California	19,000	.....	19,000
Regil & Co.	9,600	9,600	.....
Bulnes	2,125	2,125	.....
Total	162,925	79,725	83,200

The territory of Tepic (a fractional year) cost: Jefatura, etc., \$9,865; paid, \$6,878; over, \$2,987. The judicial expenses were \$2,905; paid, \$2,854; over, \$51. The gendarmes for the territory cost \$9,021; paid, \$8,975; over, \$46. The printing expenses were \$2,947; paid, \$2,872; over, \$74.

Résumé of home office: Earned, \$3,131,142; paid, \$2,804,162; went over, \$326,980.

6. JUSTICE AND PUBLIC INSTRUCTION.

The expenses in the department of justice and public instruction were: Secretary at \$8,000, chief clerk at \$4,500, 2 chiefs of division at \$3,000, etc., a total of \$34,579; paid, \$28,578; went over, \$6,001.

The superior court of the federal district is composed of a president and 17 magistrates at \$4,000, 3 secretaries at \$3,000, etc., and cost \$105,096; paid, \$86,130; went over, \$18,966.

The 5 subordinate civil courts in the district each have a judge at \$4,000; their cost was \$66,053; paid, \$56,224; went over, \$9,829.

The 5 criminal courts have also each a judge at the same salary, and cost \$40,249; paid, \$34,163; went over, \$6,086.

There are 5 police courts, whose judges receive \$3,500, and whose total cost was \$40,184; paid, \$34,490; unpaid, \$5,694.

In the ministerio publico are a procurador at \$15,000, 10 agents at \$3,000, and 7 defenders of the poor at \$2,400; the total cost of the office was \$55,902; paid, \$45,173; due, \$10,729.

There are 8 minor courts, whose judges receive \$2,400; their entire cost was \$42,428, of which \$36,634 was paid and \$5,794 unpaid.

The register of transfer, liens, etc., gets \$3,000, has 2 assistants at \$2,000, and the expenses of his office were \$15,408; paid, \$13,275; due, \$2,133.

The director of the judicial archives gets \$2,000, and his office cost \$5,472; paid, \$4,928; due, \$544.

The medico-legal council cost \$7,175; paid, \$6,285; due, \$890.

The judicial notifier, including \$4,340 for printing Boletin, cost \$6,022; paid, \$5,843; due, \$179.

No. 108, September—8.

Services and expenses of the palace of justice cost \$3,487; paid, \$3,407; due, \$80.

The 7 minor courts in the district outside the city cost \$25,764; paid, \$23,044; due, \$2,720.

The administration of justice in Lower California is committed to a superior tribunal, whose magistrate gets \$3,000, a court of first instance in the south, in the center, and in the north, a minor court at San José del Cabo, and the public ministry. The total cost was \$36,731; paid, \$29,634; went over, \$7,097.

In the territory of Tepic there is also a superior tribunal and 12 minor courts, which cost \$38,860; paid, \$31,260; went over, \$7,600.

The payments made to substitutes in all the federal courts of the country cost \$30,809; paid, \$25,280; due, \$5,529.

The extraordinary expenses of the department of justice in all the country cost \$34,537; paid, \$31,319; due, \$3,218.

The governing committee of public instruction cost \$3,531; paid, \$3,213; due, \$318.

The secondary school for girls in the capital has a lady director at \$1,500, a lady subdirector at \$1,000, a secretary (male) at \$1,200, professors (both male and female) of mathematics, physics, Spanish, geography, history, book-keeping, domestic economy, physiology and hygiene, manual labor, pedagogy, horticulture, at \$1,200, and other teachers at lower wages. The total cost was \$51,023; paid, \$45,884; due, \$5,139.

The national preparatory school has a director at \$2,000, and professors of the ancient, modern, and Nahuatl languages, the arts, sciences, etc., at \$1,200 and \$1,000, and cost \$70,767; paid, \$62,540; due, \$8,227.

The school of jurisprudence has a director at \$2,000, professors of eloquence, of Roman, natural, Mexican, constitutional, and penal law, etc., at \$1,200; the cost was \$26,089; paid, \$23,032; unpaid, \$3,057.

The school of medicine has a director at \$2,000, and 22 professors at \$1,400 and \$1,200. The total cost was \$56,196; paid, \$50,034; due, \$6,162.

The academy of medicine cost \$4,841; paid, \$4,776; went over, \$65.

The school of commerce has a director at \$1,500 and various professors at \$1,200 and \$1,000. The total expense was \$22,642; paid, \$20,606; due \$2,036.

The school of fine arts has a director at \$1,200 and various professors at \$1,500 to \$1,200. The cost was \$36,202; paid, \$32,860; due, \$3,342.

The National Conservatory of Music has a director at \$2,000, 5 professors at \$1,200, and others at lower salaries, and cost \$44,731; paid, \$40,151; due, \$4,580.

The school of arts and manual labor has a director at \$2,000, 4 professors at \$1,200, etc., and cost, \$33,259; paid, \$30,447; due, \$2,812.

School for deaf and dumb has a director at \$1,500; assistants; cost, \$14,012; paid, \$13,357; due, \$655.

The National Museum has a director at \$1,500, professors of mineralogy, paleontology, zoölogy, and botany at \$1,200 and \$1,000, and costs \$20,089; paid, \$18,712; due, \$1,377.

The National Library: Director, \$2,500; books purchased, \$7,821; cost \$23,674; paid, \$22,258; due, \$1,416.

There are 11 primary national schools in the city. The director of each receives \$1,200, and their total cost was \$63,462; paid, \$60,502; due, \$2,960.

The 2 night primary schools, one for men and one for women, cost \$4,941; paid, \$4,663; due, \$278.

The academy and the school for teachers (normal) cost, \$3,983; paid, \$3,746; due, \$237.

The general expenses for public instruction were: National Library, \$8,400; books for premiums, \$2,592; premiums, \$3,162; rents, \$8,486, etc.; a total of \$44,358; paid, \$41,080; due, \$3,278.

The scholarships and pensions granted were: In the preparatory school to 38 pupils, \$8,060; in the school of jurisprudence to 18 persons, \$4,502; medicine to 17 pupils, \$4,434; fine arts, 18 pupils, \$4,064; manual labor, 26 pupils, \$6,215; deaf and dumb, 39 pupils, \$8,130; abroad, 3 pupils, \$596. The total cost was \$36,361; paid, \$36,238; due, \$123. A subvention of \$15,000 is given to the College of the Paz, and other subventions earned made \$26,462; paid, \$25,612; due, \$850.

Résumé for department of justice and public instruction: Earned, \$1,175,379; paid, \$1,035,378; due, \$140,001.

7. DEPARTMENT OF PUBLIC WORKS.

In the department of public works, the secretary has a salary of \$8,000; chief clerk, \$4,500; 4 chiefs of division at \$3,000, 7 officials at \$2,000, 5 at \$1,803, 17 at from \$1,602 to \$1,000, 3 engineer inspectors at \$3,000 each, 68 clerks, secretaries, etc., from \$963 to \$361, servants, etc. The total expenses were \$103,400; paid, \$88,767; went over, \$14,633.

The statistical and geographical bureau has a chief at \$3,000, 1 officer at \$2,000, 5 at \$1,500, keeper of archives, etc., and cost \$19,064; paid, \$16,682; went over, \$2,382.

The meteorological observatory has a director at the central office at \$3,000, with 2 observers at \$2,000 and \$1,200; assistants at \$723, and a director at the Mazatlan office at \$2,400. The astronomical observatory at Tacubaya has a director at \$3,000 and 4 assistants. The total cost was \$22,733; paid, \$19,559; over, \$3,174.

The boundary commission for the Guatemala frontier has a chief engineer at \$6,000 and an astronomical engineer at \$4,800. The commission cost \$35,477; paid, \$28,122; due, \$7,355.

The commission to establish monuments along the American frontier cost for expenses \$974, all unpaid.

The geographical exploring expedition, mostly for Lower California, has a chief engineer at \$6,000, a second at \$4,000, and a force of assistants, all costing \$49,800; paid, \$40,208; went over, \$9,592.

The colonization expenses, including commissions, etc., were \$40,103; paid, \$29,088; unpaid, \$11,015.

The subventions to steamships were —

Companies.	Earned.	Paid.	Due.
Mexican Navigation Company.....	\$21,600	\$21,600	.....
Mexican Transatlantic Company.....	292,500	129,500	\$163,000
Spanish Transatlantic Company.....	4,963	4,963	.....
Total.....	319,063	156,063	163,000

The mint at Oaxaca has a director at \$2,000, and the assay office in Mexico a chief assayer at \$3,000. These two offices cost \$21,813; paid, \$19,728; due, \$2,085.

The expenses of the national telegraph are provided for in bulk, and the amounts paid as provided for by the secretary. The director-general gets a salary of \$3,000, the chief of the central office \$2,400, and some 40 others in the central office get smaller pay. The country is divided into zones, and these into divisions. A chief of zone gets about \$1,600, and of division about \$1,300. The station chiefs get from about one thousand down to a few hundred dollars. The total expenses of the offices already established were \$453,694; paid, \$389,187; due, \$64,507. The preservation and establishment of lines cost \$463,311; paid, \$233,672; due, \$229,639.

The national palace, that of Chapultepec, and public monuments cost for repairs, lights, etc., \$77,495; paid, \$69,411; due, \$8,084.

There are some 14 lights on the coast. An inspector-general gets \$3,000, and the total cost was \$19,689; paid, \$18,563; due, \$1,126.

Subventions to railways were as follows:

Lines.	Earned.	Paid.	Due.
Mexican Central.....	\$560,000	.....	\$560,000
Campeche Kalkin.....	96,000	.....	96,000
Interoceanic.....	83,542	\$67,542	16,000
Toluca.....	21,000	.....	21,000
Total.....	760,542	67,542	693,000

The sum of \$1,630 was earned by the Government director of the Mexican Vera Cruz railway in London, but none of this sum was paid. Inspectors of railway traffic cost \$14,804; paid, \$11,785; due, \$3,019. The director of the Puebla and Texmelucan railway cost \$1,206; paid, \$1,028; due, \$178. The Tehuantepec railway cost, indemnity, \$75,000; repairs, etc., \$98,800; inspector, \$3,925, and minor expenses; total, \$181,164; paid, \$178,382; due, \$1,782. Roads, bridges, etc., cost (including \$44,050 for paving in the capital) \$76,236; paid, \$69,094; due \$7,142. The road from Quretaró to Jalpain cost \$15,990, all paid.

Drainage of the valley of Mexico cost \$63,375; paid, \$60,898; due, \$2,477.

Inspection of bridges and works cost \$5,798; paid, \$4,864; due, \$934.

Works at various ports, \$17,647; paid, \$11,250; due, \$6,397.

The bureau for studying mining, agriculture, and industries cost \$25,173; paid, \$15,994; due, \$9,179.

The school of engineers has a director at \$2,000 and some 20 professors at \$1,200, and cost \$48,286; paid, \$43,035; due, \$5,251.

The Pachuca school of mining cost \$13,408; paid, \$12,452; due, \$956.

The national school of agriculture has a director at \$2,400, 25 professors at \$1,000 to \$2,000, and cost \$56,949; paid, \$48,335; due, \$8,614.

The agricultural farm school, in the federal district, has a corps of 5 professors at \$1,200 to \$2,400, and cost \$17,564; paid, \$15,052; due, \$2,512. That at the colony Porfirio Diaz cost \$14,708; paid, \$14,350; due, \$358.

Pensions of the department of public works in the schools of engineering, preparatory, agriculture, and abroad, usually from \$100 to \$400 each, amounted to \$44,495; paid, \$32,346; due, \$12,149. Various other extraordinary expenses of this department were—

Printing.....	\$30,000
Inspectors of forests, etc.....	14,324
Rent of mint, Chihuahua.....	7,434
Debts remitted to employés.....	5,000
Freights, etc.....	18,587
New Orleans Exposition.....	124,344

Total extraordinary expenses, \$303,361; paid, \$270,366; due, \$32,995.

Résumé for department of public works: Earned, \$3,288,954; paid, \$1,982,814; due, \$1,306,140.

8. TREASURY EXPENSES.

The treasury department proper has a secretary at \$8,000, chief clerk at \$4,500, some 30 subordinate officials at \$2,000 to \$3,500, and a force of writers, etc., at from \$500 to \$963. The total cost was \$182,397, of which \$154,085 was paid and \$28,312 unpaid.

The treasurer-general receives a salary of \$6,000; the auditor, \$5,000; the cashier and chief bookkeeper, each \$4,000; some 25 subordinate officers at \$2,000 to \$3,000; 140 at \$1,000 to \$2,000, and some 240 writers, money counters, porters, etc., at an average of \$500 to \$800. The total cost of the office was \$434,116; paid, \$374,646; due, \$59,470.

There are 38 custom-houses, 10 of which cost over \$40,000 each. Many custom-houses have dependencies, where minor operations can be effected. The plant of the Vera Cruz office is as follows: Collector at \$5,000, auditor at \$4,000, 6 vistas at \$3,500, 6 officials at or over \$2,000, 10 officials at or over \$1,000, 21 writers at \$600 to \$800, 2 money counters at \$723, 3 porters at \$602, commander of guards at \$3,500, second commander at \$3,000, 15 mounted guards at \$1,200, 8 supernumeraries at \$600, 40 foot-guards at \$1,000, minor guards, etc. The Matamoros office: Collector at \$3,500, auditor at \$2,500, 3 officials at \$1,000 to \$1,500, 7 writers at \$700, commander of guards at \$2,000, second commander of guards \$1,500, 20 guards at \$1,000, 8 guards at \$480, other minor employés.

A subordinate office usually has a chief at \$800 to \$1,200, an assistant at \$200 less, 6 to 12 guards at \$600, and minor employes. The total cost of these 38 custom-houses with their dependencies were as follows :

Custom-houses.	Earned.	Paid.	Due.
Acapulco.....	\$27,220	\$24,152	\$3,068
Altata.....	11,257	10,148	1,109
Ascension.....	11,264	10,101	1,163
Bahia de la Magdalena.....	7,569	6,829	740
Cabo de San Lucas.....	7,647	6,063	1,584
Camargo.....	11,836	10,563	1,273
Campeche.....	34,830	30,682	4,148
Coatzacoalcos.....	24,484	21,893	2,591
Frontera.....	47,160	42,130	5,030
Guaymas.....	42,593	37,484	5,109
Guerrero.....	15,144	13,619	1,525
Isla del Carmen.....	26,415	23,725	2,690
La Paz.....	19,722	17,547	2,175
Laredo de Tamaulipas.....	46,345	40,417	5,928
Manzanillo.....	40,806	35,574	5,232
Matamoros.....	50,532	44,818	5,718
Mazatlan.....	60,295	53,147	7,148
Mier.....	14,733	13,106	1,627
Nogales.....	25,230	21,837	3,393
Palominas.....	12,847	11,469	1,378
Paso del Norte.....	58,854	50,889	7,965
Piedras Negras.....	33,802	29,742	4,060
Presidio del Norte.....	14,321	12,413	1,908
Progreso.....	67,808	60,130	7,678
Puerto Angel.....	5,207	4,813	394
Quitovaquita.....	10,275	9,041	1,234
Salina Cruz.....	14,953	13,427	1,526
Santa Rosalia.....	5,556	4,992	574
San Blas.....	36,497	32,421	4,076
Sásabe.....	14,423	12,610	1,813
Soconusco.....	20,846	18,903	1,943
Tampico.....	45,437	40,479	4,958
Tijerana.....	7,598	5,753	1,845
Todos Santos.....	11,200	9,918	1,282
Tonalá.....	15,535	14,255	1,280
Tuxpan.....	18,195	16,126	2,069
Vera Cruz.....	182,826	158,640	24,186
Zapaluta.....	22,439	18,303	4,136
Total.....	1,123,711	988,035	135,676

To these should be added the following :

Description.	Earned.	Paid.	Due.
Office expenses.....	\$45,413	\$45,349	\$64
Vessels.....	3,595	3,595	.....
Rent.....	15,000	15,000	.....
Total.....	64,008	63,944	64

Inspection of custom and fiscal agencies cost for 7 inspectors at \$3,000 to \$5,694 each and other expenses a total of \$31,732; paid, \$26,078; due, \$5,654.

The gendarmeria fiscal is a large force, mostly in northern Mexico, to guard the line and interior ways of commerce and detect smugglers. There is a commander at \$6,000, 2 chiefs at \$4,000, 22 officers at \$2,000 or over, 60 officers at \$1,000 or over, 12 writers at \$600 or thereabouts, about 230 guards at \$720 to \$750, and minor employes; the total cost was \$627,555; paid, \$537,318; due, \$90,237.

There are *jefaturas* or federal fiscal agents in various cities, who receive the money daily from the custom-houses. The chiefs get from \$1,500 to \$3,000, and the total cost for salaries of 30 such officers was: Earned, \$187,064; paid, \$162,534; due, \$24,530. These also incurred expenses amounting to \$8,357, all of which were paid.

The general stamp office has an administrator at \$4,000, auditor at \$3,000, 24 officials at \$1,000 to \$2,800, and a force of writers, etc. Including \$238,470 for commission and \$7,867 for inspectors' traveling expenses, the total cost was \$343,944; paid, \$334,970; due, \$8,974.

The printing of stamps is committed to a bureau, whose director has a salary of \$4,000; also subdirector at \$3,000, with engineers at from \$2,400 to \$1,000, pressmen, etc. The total cost was \$97,934; paid, \$93,421; due, \$4,513.

The national lottery is managed by an administrator at \$3,500, auditor at \$2,000, treasurer at \$2,000, five officials at \$1,000 or over, writers, etc., and cost \$20,318; paid, \$17,752; due, \$2,566.

The principal stamp office in the federal district has an administrator at \$4,000, an auditor at \$3,500, treasurer at \$3,000, 2 vistas at \$3,000, 52 other officers at \$1,000 to \$2,500, a large force of guards and inspectors, writers, etc. The total cost was \$224,336; paid, \$197,363; due, \$26,973.

Contributions in the federal district are managed by a director at \$4,000, auditor at \$3,000, treasurer at \$2,500, 23 officers at \$1,000 to \$2,400, receivers, writers, etc. The cost was \$92,218; paid, \$83,677; due, \$8,541.

The federal rents in the territory of Lower California required an administrator at \$2,400, 1 officer at \$1,500, 1 at \$1,000, and cost \$8,898; paid, \$7,788; due, \$1,110. Those of the territory of Tepic cost \$40,121; paid, \$36,813; due, \$3,308.

There was paid out to a large number of individuals on the civil list in small sums, usually about \$500 (2 got \$10,000 each), in the district, \$75,754; in the states, \$36,230, and some \$35,000 to retired, superannuated, and pensioned employes, a total cost of \$166,975; paid, \$104,343; due, \$62,632.

On the military list are a large number of names. For the federal district there are some 250, 4 at \$4,500, 5 over \$3,500, 17 over \$2,000, and the others less sums. On the list of military montepio in the district are some 425 others, of whom 43 get over \$1,000. About 130 are on the district retired list, 6 getting from \$4,000 to \$5,000, 40 over \$1,000 and up to \$3,000. There are some 300 in the states, of whom 17 get from \$4,500 to \$6,000, over 120 get from \$1,000 to \$3,000, and the others smaller sums. The total cost was \$1,103,426; paid, \$660,409; due, \$443,077. To this must be added new declarations costing \$4,886; paid, \$2,809; due, \$2,077.

There were extraordinary expenses of the treasury department, not more particular stated, of \$246,434; paid, \$205,543; due, \$40,891.

Printing and books for the department cost \$34,617; paid, \$20,920; due, \$13,697. Minor expenses, \$902; paid, \$844; due, \$58.

The cost of public buildings, new and old, and for vessels and boats was \$228,674; paid, \$207,366; due, \$21,308.

Public debt.— Under this head the treasury department paid out as follows: For salaries and expenses of the committee, \$7,261; paid, \$6,064; due, \$1,197; tenth payment of the American debt, \$296,066.05, paid in full and in United States coin; balances against the treasury for the year 1884-'85, paid \$484,385; arrears to mints, \$75,000; funding and interest of the floating debt, \$1,495,070; expenses of converting the public debt, 6190,472; purchase of the Tehuantepec railway, cost, \$76,000; paid, \$16,000; due, \$60,000; funding public debt by sales of lands and special contracts, \$1,169,987; expenses of conversion, \$97,948; paid, \$31,976; due, \$65,971; cost of premium and exchange, \$972,062; total paid on debts, not counting salaries, \$4,731,018; less increase as above, \$125,971.

Résumé of treasury department: Total expenses, \$10,136,878; paid, \$9,026,096; due, \$1,110,782.

9. WAR AND NAVY DEPARTMENT.

The secretary of war and navy has a salary of \$8,000, a chief clerk at \$4,500, 2 cavalry colonels at \$2,714, 1 infantry colonel at \$2,466, lieutenant-colonel of cavalry at \$1,807, lieutenant-colonel of infantry at \$1,652, 3 first captains of cavalry at \$1,140, 1 of infantry at \$960, a second captain of cavalry at \$960, 1 of infantry at \$840, 2 lieutenants of cavalry at \$780, 3 of infantry at \$720, 2 ensigns at \$720, 3 sublieutenants of infantry at \$660, and an assessor at \$3,000. The total cost, not including small sums for expenses and printing, was \$48,485; paid, \$42,779; due, \$5,706.

The general officers were 5 generals of division at \$6,000, 21 generals of brigade at \$4,500, 15 assessors at \$3,004, and expenses. The cost was \$151,464; paid, \$127,009; due, \$24,455.

The supreme court of military justice and the courts of military instruction cost, for a general of division, \$6,000; 8 of brigade at \$4,500, 6 colonels and minor officers; a total of \$84,718, of which \$70,349 was paid and \$14,369 went over.

The staff corps working on the map of the country cost for a colonel \$4,500, 5 colonels at \$2,826, 10 lieutenant-colonels at \$1,807, 12 majors at \$1,560; 22 first captains at \$1,140, 22 second at \$960, 48 lieutenants at \$780, and expenses; cost, \$125,289; paid, \$112,012; due, \$13,277.

The military college has as director a colonel of engineers, professor of military art and history, at \$2,829, lieutenant-colonel at \$1,810, major at \$1,562, lieutenant at \$781, surgeon professor at \$1,201, 30 professors at \$1,201, others at less salaries, 16 sublieutenant students at \$661, two companies having 2 first captains at \$1,142, two second companies with 2 captains at \$963, 4 lieu-

tenants at \$781, 2 first sergeants at \$310, 2 second sergeants at \$299, 20 corporals at \$285, 250 students at \$274, band of eight at \$183, forage for 34 horses \$2,730, service expenses, etc.; cost, \$173,304; paid, \$160,984; due, \$12,320.

The department of engineers has a general of brigade at \$4,500, 4 colonels at \$2,826, 4 lieutenant-colonels at \$1,807, 5 majors at \$1,560, 16 captains, 11 lieutenants, guards, etc. The total cost, including \$55,000 for freight and \$92,000 for repairs of quarters, was \$260,529; paid, \$229,348; due, \$31,187.

The battalion of sappers cost \$106,476; paid \$105,438; due, \$1,038.

The artillery department has a general of brigade at \$4,500, and minor officers. The cost was \$17,615; paid, \$15,120; due, \$2,495.

There are four battalions and one squadron of artillery. These cost \$627,730; paid, \$588,952; due, \$38,778.

Ordnance, etc., cost \$59,220; paid, \$56,183; due, \$3,037. Manufacture of arms, \$34,011; paid \$32,898; due, \$1,113. Casting cost \$33,798; paid, \$32,394; due, \$1,404. Manufacture of powder, \$18,352; paid, \$17,345; due, \$1,007.

The military school of theory and practice has a colonel at \$2,829, major at \$1,562, lieutenant, etc., and cost \$6,305; paid, \$5,429; due, \$876.

There are 4 companies of fixed artillery, viz, at Matamoros, Mazatlan, Vera Cruz, and Tampico. These cost \$57,192; paid, \$49,644; due, \$7,548.

The gendarmeria militar has a colonel of cavalry at \$2,716, 2 first captains at \$1,201, 2 second captains at \$1,022, lieutenants, ensigns, etc., with 172 guards at \$361 each, forage for 204 horses at \$20,104, forage for 16 mules at \$1,285, washing \$1,126; cost, \$111,228; paid, \$102,872; due, \$8,356.

The infantry staff has a general of brigade at \$4,500, two colonels at \$2,467, 2 lieutenant-colonels at \$1,653, 3 majors at \$1,471, 3 first and 6 second captains at \$964 and \$843, and 12 lieutenants at \$723. The cost was \$32,419; paid, \$27,977; due, \$4,442.

There are 10 regiments of infantry on a peace footing, each having 1,504 soldiers, 37 commissioned officers, 142 non-commissioned officers, and the band of musicians. Their pay is—

Grade.	Pay.	Grade.	Pay.
Colonel	\$2,466.00	4 second captains	\$840.00
Lieutenant-colonel	1,652.40	12 lieutenants	720.00
Major	1,468.80	12 sublieutenants	660.00
Adjutant, first captain	1,140.00	4 first sergeants	360.00
Subadjutant, sublieutenant	660.00	26 second sergeants	234.00
First sergeant, cornet	360.00	72 corporals	135.00
Corporal	135.00	4 corporals of laborers	135.00
Music	6,000.00	20 cornets	112.50
4 cartmen at	180.00	504 soldiers, in 72 squads of 7 each	112.50
Forage for 32 freight mules, each	79.20	Washing for 600 individuals	900.00
4 first captains	960.00	Extra rations, etc., on six days	1,167.74

Paper, etc., allowance: 4 colonels, \$96; major, \$60; adjutant, \$24; subadjutant, \$12; 4 first captains, \$24; 4 first sergeants, \$12.

The total amount appropriated for 1 regiment is \$126,874.34, and for the 20, \$2,537,486.80. The total amount earned during the year was \$2,-281,437; paid, \$1,696,054; due, \$585,383.

The cavalry staff has a colonel at \$2,714, a lieutenant-colonel at \$1,807, 2 majors at \$1,560, 3 first captains at \$1,140, 4 second captains at \$960, and 7 lieutenants at \$780. The cost was \$23,869; paid, \$20,817; due, \$3,052. There are 10 regiments of cavalry at a peace footing, each containing 384 soldiers, 37 commissioned officers, 104 non-commissioned officers, and the band. Their pay is as follows:

Grade.	Pay.	Grade.	Pay.
Colonel	\$2,714.40	24 second sergeants	\$270.00
Lieutenant-colonel.....	1,807.20	32 corporals.....	157.50
Major.....	1,560.00	384 soldiers, in 48 squads.....	135.00
Adjutant, first captain	1,140.00	12 trumpeters.....	135.00
Subadjutant, ensign.....	720.00	4 cartmen	180.00
First sergeant, trumpeter.....	360.00	Forage for 459 horses.....	79.20
First sergeant, saddler	360.00	Washing, etc., for 453.....	9.00
Two veterinarians	360.00	Extra rations, etc., on six days.....	1,087.11
1 corporal of trumpeters	157.50	Paper, etc.:	
Band for regiment	6,000.00	For colonel.....	96.00
4 servants	180.00	For major.....	60.00
4 first captains.....	1,140.00	For adjutant	24.00
4 second captains.....	960.00	For subadjutant	12.00
12 lieutenants.....	780.00	For first captain.....	24.00
12 ensigns	720.00	For first sergeant.....	12.00
4 first sergeants.....	360.00	Forage for 32 mules, each	79.20

The amount appropriated for 1 regiment was \$157,336.41, and for the 10 regiments a total of \$1,573,364.10. The amount actually earned by these 10 regiments is stated at \$1,498,757; paid, \$1,173,152; due, \$325,605.

The medical department has a surgeon colonel in chief, another as inspector, both at \$2,826, a major at \$1,560, second captain at \$960, and 2 sublieutenants at \$660. This, with the ambulance train and company of invalids, cost \$54,312; paid, \$51,184; due, \$3,128.

The hospital of instruction and practice in Mexico has a general of brigade, 5 surgeons with the rank of lieutenant-colonel, 1 with rank of major, 2 with that of first captain, 2 of second captain, and minor officers. The cost was \$21,334; paid, \$19,220; due, \$2,114.

There are military hospitals at Vera Cruz, Puebla, Guadalajara, S. Luis, Matamoros, Tepic, Mazatlan, and Tampico costing each from \$4,000 to \$8,000 per annum. The total cost was \$41,711; paid, \$33,763; due, \$7,948. There were costs for ambulances, etc., of \$15,000, of which \$4,691 was paid and \$10,309 unpaid. There are physicians, surgeons, and veterinarians with regiments, corporations, and vessels of war. Of these 41 have the rank of major, at \$1,560; the 6 on board vessels get \$240 extra when on service. There are also 4 surgeons, 1 of the rank of colonel and 3 of lieutenant-colonel, for the inspection of military posts, and 15 veterinary surgeons, 1 with the rank of lieutenant-colonel, 4 of major, 4 of first, and 4 of second cap-

tain, and 2 of lieutenant-apprentices. Their cost for the year was \$83,172; paid, \$69,739; due, \$13,433.

Under the head of military supervision the sum of \$60,000 was earned and paid in full.

The national battalion of invalids has a lieutenant-colonel, 4 captains, 4 lieutenants, etc., and cost \$47,507; paid, \$45,562; due, \$1,945.

For wounded and pensioned the expense of \$27,839 was incurred, of which \$19,469 was paid, leaving unpaid \$8,370.

In the naval bureau a chief with rank of colonel gets \$3,000; 2 officers, \$1,200; and 4 clerks, \$600. The amount earned was \$7,811; paid, \$6,621; due, \$1,190.

The department of the gulf has a commander at \$3,000 and an inspector of ports at \$2,100. The total cost was \$6,524; paid, \$5,374; due, \$1,150.

Under the head of ships and vessels of war, revenue-cutters, etc., were the following expenses:

Vessels.	Earned.	Paid.	Due.
Steam-ship Mexico	\$24,576	\$23,119	\$1,457
Steam-ship Independencia.....	28,102	27,968	134
Steam-ship V. cotencatl.....	10,511	10,085	426
Democrata	31,065	27,409	3,656
Libertad.....	28,541	26,364	2,177
Juarez.....	17,618	14,432	3,186
Resguardo Mazatlan.....	9,447	9,151	296
Resguardo Tampico.....	8,799	6,138	2,861
Fuel.....	44,000	15,805	28,195
Repairs.....	52,000	6,853	45,147
All other.....	34,823	29,434	5,389
Total.....	289,682	196,758	94,924

The arsenals, two in number, one at Campeche, and one, Manuel Gonzalez, at Acapulco, have each a director and a naval engineer at \$3,000, an auditor at \$2,400, minor officials and expenses. The total cost was \$16,318; paid, \$14,033; due, \$2,285.

The floating dock, "Pedro Saens Baranda," has a captain at \$2,100, machines, etc. Its cost (including \$80,000 for equipments) \$83,013; paid, \$82,643; due, \$270.

There are naval schools at Campeche and Mazatlan, each having a director at \$2,100, a professor at \$1,200, 4 at \$960, 2 teachers at \$600, and small expenses. The total was \$25,125; paid, \$22,280; due, \$2,845.

There are pilots, mates, marine guards, and apprentice engineers, who get from \$600 to \$240 per annum. These cost \$14,380; paid, \$7,581; due, \$6,799.

There is a captain of the port (at principal ports) who gets about \$1,000 per year, with guards, boats, and generally an interpreter. Those on the gulf coast cost \$41,306; paid, \$38,412; due, \$2,894. The department of the Pacific has a commander and an inspector, and cost \$6,523; paid, \$5,511; due, \$1,012. The captaincies of the ports on the Pacific coast cost \$39,955; paid, \$36,696; due, \$3,259.

Marine expenses, including \$1,500 for banners, repairs of boats, etc., cost \$4,000; paid, \$2,318; due, \$1,682.

The government of the national palace cost, for a general of brigade, \$4,500; 2 captains, etc., \$7,026; paid, \$5,836; due, \$1,190.

The offices of chief of staff of plazas and forts have a general of brigade, 2 colonels, lieutenant-colonel, major, 2 first captains, 3 lieutenants, etc., for the military district, and smaller staffs for the plaza in the capital, at the military prison of Santiago Stalteco, plaza of Vera Cruz, fortresses of Ulica and Campeche, etc.; cost, \$75,946; paid, \$65,230; due, \$10,716.

The staff office of the military colonies has 3 colonels, subinspectors, at \$3,000, 3 first captains, 3 lieutenants, etc. There are 2 battalions and 1 company of foot soldiers in Yucatan. Each battalion has a colonel detailed to this service, a major at \$1,469, 4 captains at \$840, 5 lieutenants at \$600, 12 sublieutenants at \$540, minor officers, etc., and 340 soldiers at \$112.50 per annum each. The company has 120 soldiers and proportionate officers. These cost about \$130,000. There is a company of foot-soldiers for Lower California of 70 soldiers, with officers, etc. There are squadrons of cavalry in Chihuahua of 2 companies, and in Sonora, Durango, and Coahuila of 1 company each. These have from 80 to 100 men in a company. The total cost of all the above forces was \$172,051; paid, \$165,095; due, \$6,956.

Under the head of donations paid to the troops who are legally discharged is a list of some 1,300 persons receiving small sums not exceeding in any case \$80. The total amount was \$37,566; paid, \$34,930; due, \$2,636.

Under head of skeleton battalions are 5 troops, each having a colonel at \$1,975, major at \$1,175, 4 first captains at \$767, 4 lieutenants at \$577, 4 sublieutenants at \$529, minor officers and expenses, and 154 soldiers. The latter get \$91.25 per annum. Cost, \$191,706; paid, \$172,046; due, \$19,660. There is also a skeleton regiment having a colonel at \$2,172, a major at \$1,248, 5 first captains at \$912, 4 lieutenants at \$624, 4 ensigns at \$577, minor officers, and 100 soldiers at \$109.50. These cost \$47,025; paid, \$9,733; due, \$37,292.

In the general appropriation law the sum of \$2,379,563.68 was allowed for auxiliary forces. Of this sum \$50,098 was allowed for the battalion of Tiradores de las Cruces; \$103,225 for No. 23, \$110,019 for No. 27, \$107,772 for No. 25, \$93,490 for No. 26, \$97,107 for that of Oaxaca, \$105,913 for No. 24, \$115,093 for No. 21, \$110,668 for No. 22, \$45,101 for others, \$12,799 for that of Sierra Gorda, \$6,179 for that of Tepic, and \$13,225 for the escort for the geographical commission. These made, with other expenses, a total for the auxiliary infantry of \$974,000; paid, \$759,177; due, \$214,823.

The auxiliary cavalry cost for troop No. 1, \$116,749; No. 2, \$30,930; No. 3, \$50,865; No. 5, \$52,934; No. 6, \$57,966; No. 14, \$49,616. Gutierrez, \$102,681; regiment No. 1, \$26,040; No. 11, \$157,055; No. 12, \$159,979; No. 13, \$111,495; rurales of Tamaulipas No. 1, \$54,957; No. 3, \$21,656; troop under Colonel Lopez, \$26,491; rurales of Puebla, \$27,371;

rurales of the first division, \$12,024; of Tepec, \$19,275; Sonora, \$11,380; of Alamos and Hermosillo, \$31,614; guerrilla expedition in Sonora, \$12,372. These, with minor sums, cost \$1,135,899; paid, \$775,503; due, \$360,396.

Chiefs and officers in commission as auxiliary forces, some 420 officers, were paid sums ranging from \$2,828 down to a few dollars. The total cost for these was \$226,768; paid, \$179,882; due, \$46,886.

Extraordinary expenses of these auxiliary forces were (including \$93,883 for clothing, \$9,048 for geographical commission in Vera Cruz, \$7,904 for bounties to soldiers dismissed, \$26,016 for supervision, etc.,) in all a cost of \$240,618; paid, \$194,339; due, \$46,279.

There are a large number (some 73) of officers who are on waiting orders but drawing full salary, for whose pay the sum of \$192,000 was appropriated; among these are 10 generals of division at \$6,000 and 63 of brigade, most of the latter getting \$4,500; these cost \$237,800, more than the amount allowed; paid, \$185,444, and the balance of \$52,356 was still due.

Eighteen bands of music besides those stated, mostly at \$6,000 each, cost \$100,750; paid, \$93,337; due, \$7,413.

Under head of officers on waiting orders but not drawing full pay are some 1,500 names, from a colonel drawing pay for \$2,700 down to ensigns at \$722. These cost \$1,178,329; paid, \$959,063; due, \$219,266.

Clothing for army, navy, hospitals, etc., cost \$598,774; paid, \$598,774.

Repairing armament, etc., and purchase of mules and horses cost \$102,796; paid, \$88,844; due, \$13,952.

Extraordinary war expenses and maintenance of military prisoners cost \$198,582; paid, \$177,856; due, \$20,726.

Military instructors cost \$5,564; paid, \$4,334; due, \$1,230.

Résumé of the department of war and navy: Earned, \$12,145,041; paid, \$9,837,517; due, \$2,307,524.

SUMMARY.

I have stated the amount appropriated by the general law and additions at \$42,458,321. The following summary shows the total appropriations, the amounts earned, and the amounts paid and due for the year:

Department.	Appropriated.	Earned.	Paid.	Due.
Legislative	\$1,007,144	\$957,373	\$778,805	\$178,568
Executive	49,250	42,567	26,001	16,566
Judicial	435,595	422,109	354,748	67,361
Foreign	433,763	373,568	298,254	75,314
Home	3,477,381	3,131,142	2,804,162	326,980
Justice, etc.	1,413,715	1,175,379	1,035,378	140,001
Public works	8,467,827	3,288,954	1,982,824	1,306,140
Treasury	13,888,721	10,136,878	9,026,096	1,110,782
War and navy	13,284,925	12,168,919	9,858,142	2,310,777
Total	42,458,321	31,696,889	26,164,400	5,532,489

REVENUE AND EXPENDITURES.

As shown by the above table, the House of Deputies and the President authorized the expenditure of \$42,458,000. The various departments so reduced the force of employes and other expenses as to have the claims earned against the treasury amount to only \$31,697,000, while the amount actually paid was \$26,164,000, and the balance, \$5,552,000, went over into the floating debt.

As I show in the first paper, the receipts for the year were \$28,981,000, and, if \$26,164,000 is the sum of the payments, the net treasury cash balance should be increased by the difference, \$2,717,000. But as \$1,170,000 of these receipts were in bonds and other evidences of the floating debt used in payment of lands, etc., the net cash treasury receipts were only \$27,811,000, leaving only \$1,547,000 net treasury cash balance to be explained. As the treasury had then only partially recovered from the great deficits of 1883-'84, this net balance was applied toward reducing the debts due the Banco Nacional and others for short-time loans.

The actual cash on hand, reported by the treasurer, was only \$62,770.68. There were bonds and other obligations, copper money, and accounts due from other offices, making a credit in favor of the nation on his books of some \$7,839,000.

It is not profitable to follow the various items and conditions of these accounts further than to show that the receipts for the year were some \$3,000,000 less than the sums earned against the treasury. This was in a time of profound peace, and when every effort was being made by the Government to straighten the finances and bring the expenditures down to the actual revenues. It must, however, be considered that it was a hard year, financially, in Mexico. Customs receipts were only \$15,395,000, a trifle less than the previous year, and \$3,725,000 less than for 1883. Since that date the stamp tax has been steadily increased and is now so arranged as to bring in an increased sum each year. In that year, also, the Government had to pay a very high rate for money loans for short terms to meet fiscal emergencies caused by the immense deficit from the previous Gonzalez administration.

If, under the circumstances, the Government came so near making both ends meet, I am confident that with a slight improvement in business these revenues will equal or exceed the necessary Government expenses, and leave a small but increasing sum to apply on the public debt. In this connection it is to be noted that if we deduct the amounts paid out on account of the public debt, \$4,731,000, even in the year under discussion the receipts were \$1,700,000 more than expenses. As the stated receipts were about this sum in bonds and other non-cash items, it will be seen that the running expenses were about equal to the revenues.

When we consider the great area of Mexico (some 763,000 square miles), the exceedingly small portion which is agriculturally developed, the extreme sparseness of the population, not exceeding about 10,000,000, or $1\frac{1}{3}$ to the square mile, the character of the population, of which probably more than

three-fourths are very poor and ignorant, earning and consuming but a small sum annually, it is easily seen that it is a serious problem to so carry on the Government as to keep the expenses down to the receipts. Considering her past history and the facts above stated, and allowing amply for all the many failures and short-comings, the opinion is irresistible that the present Government is deserving of high praise. If this good condition can be kept up rigorously for a few years, the public debt can be funded at favorable rates and the annual interest charge easily met. In this connection it is of interest to consider the proportion of expenditures in each branch. This is shown to be as follows:

Proportional departmental expenditure per \$1,000.

Department.	Appropriated.	Earned.	Paid.	Due.
Legislative.....	\$23+	\$30+	\$30—	\$32+
Executive.....	1+	1+	1—	3—
Judicial.....	10+	13+	13+	12
Foreign.....	10+	12—	11+	14—
Home.....	83—	100—	107+	59
Justice, etc.....	33	37	40—	25+
Public works.....	200—	103+	76—	236
Treasury.....	327—	320—	345—	201—
War and navy.....	313—	384—	377—	418—
Total.....	1,000 or 42,458,321	1,000 or 31,696,889	1,000 or 26,164,400	1,000 or 5,532,489

The first considerable expense is the home office, which earned 13 per cent., or \$3,131,142. Of this over \$1,500,000 was for rural police and police for the federal district.

The post-office department earned over a million. The expenses of this department can not be greatly reduced, and, in fact, the postal service must cost more each year. It will, however, bring in more, and hence the net cost will, perhaps, even grow less.

In the department of public works the largest item is for telegraphs, which cost nearly \$1,000,000, half of which was for repairs and new lines. The operating expenses will necessarily increase each year, but the additional cost will be met by increased earnings and a smaller amount of construction. For subventions to railways the large sum of \$4,669,500 was voted, and nearly \$1,000,000 earned, but only about \$260,000 paid. In past years this item has gone as high as \$8,000,000 in 1882, \$12,000,000 in 1883, \$6,000,000 in 1884, and nearly as much in 1885.

The deficit from the previous administration made it positively necessary to suspend these payments. In the following year payments were resumed gradually, but not in amounts equaling the sums earned, the balances from which have gone over into the floating debt.

The expenses for customs have been increased about half a million, mostly from the gendarmeria fiscal along the northern frontier. While these have

done something towards checking contraband they have hardly paid for the additional cost, and will probably be considerably reduced in numbers so soon as all the railways are finished to the capital.

The collection of the stamp tax cost nearly half a million, and will be slightly increased from year to year. The net result of this tax is better than any other on the whole list. It only costs about 8 cents to collect 100, and, however inconvenient and annoying it may be, this tax has come to stay in Mexico. The revenue obtained thereunder has steadily increased, and, as people are now accustomed to it, it causes less friction. The 25 per cent. federal, of which I wrote in the previous paper, will doubtless be raised to 50 per cent. in the future. Each 50 per cent. can safely be estimated to bring in from \$500,000 to \$600,000. In spite of all the objections to it, a fair consideration of the exigencies of the federal treasury and the state of the country induces the opinion that it is the best possible tax, at least for the present.

The reduction of the public debt during the year is stated at about \$4,750,000, but as the unpaid sums earned against the treasury and carried over into the floating debt were \$4,500,000 there was actually a running behind of about three-quarters of a million.

Taking the expenditures on the debt as above it was about 15 per cent. of the sums earned and 18 per cent. of the amount paid during the year. Most of this \$5,500,000 of floating debt is for unpaid salaries to their own officers, and is far different from sums due on foreign loans or sums due to railways, banks, etc. These deficits as to salary are accepted as a matter of course and cheerfully as an incident of official life and the known exigencies of the treasury. For these they often get bonds which can be sold occasionally for 10 cents on the dollar or even more. If they get something it is a *pilon*, and if not, why they are not at all likely to resign.

For the army and navy the annual expense for the years 1869 to 1880 was about 50 per cent., for the years 1881 to 1885 about 32 per cent., and for the year 1886 \$12,000,000, or about 38 per cent.

In Mexico there are difficulties of race, of inheritance, and of geography, which can neither be seen nor appreciated abroad. The burden of government falls upon so small a percentage; there are so many who are too ignorant to earn or spend much, and so many who by inheritance are removed from the absolute necessity of work, that those who do work bear an unequal burden. So great is the poverty of the poorer classes that from all available statistics they are not increasing at all in numbers, or, if at all, very slowly. To get down sympathetically to their lowly positions, to give them new wants and spur them on to industry, then wisely put before them profitable work and at the same time preserve the peace and establish the credit of the nation is the difficult problem.

WARNER P. SUTTON,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Matamoras, April 30, 1889.

CHEMICAL TRADE OF GERMANY.

REPORT BY CONSUL MONAGHAN, OF MANNHEIM.

Germany is exporting to all parts of the world all kinds of drugs and chemicals in a finished state. During the last year 232,800,000 marks' worth, mostly raw material, came in, and 236,000,000 marks' worth, mostly finished material, went out of the Empire. Seven per cent. of the Empire's entire trade was in these articles in 1888, as follows:

Description.	Imports.	Exports.
	<i>Marks.</i>	<i>Marks.</i>
Raw material.....	143,300,000	27,800,000
Manufactures.....	99,500,000	208,300,000

The table shows an import of five times as much raw material as export of the same, while the export of manufactured wares was more than double the import of the same. The amount and values may be better expressed in the following table:

Description.	Imports.	Exports.
	<i>Marks.</i>	<i>Marks.</i>
Raw materials:		
Raw material for chemical purposes.....	65,200,000	7,700,000
Medicinal drugs.....	15,600,000	5,800,000
Resins, pitches (Harz).....	21,200,000	7,400,000
Tanning stuffs.....	24,100,000	1,200,000
Manufactures:		
Bases, acids, and salts.....	27,700,000	60,300,000
Ether, oils, medicines, perfumeries.....	9,900,000	27,200,000
Explosives and combustibles.....	700,000	12,800,000
Colors.....	34,700,000	89,500,000

It is amusing to hear the opinions expressed here in regard to duties on some of the above articles. Tanners want no tax on raw tanning stuffs, because the imports are twenty times as large as the exports. The manufacturers of ultramarine have for some time been clamoring for a duty on imports, although the export in value of ultramarine is as against the import as 2,983,000 marks against 40,000 marks. German drug and chemical manufacturers claim that in some places where German trade in beer, fancy articles, playthings (toys), leather, pianos, foods, iron, glass, hats, linen, paper, perfumeries, stone-ware, wax, wine, woolen and wooden wares has by far the upper hand, notably in parts of South America, there is hardly any sale of German chemicals or drugs; and this in most cases due to an absence of German druggists and doctors. With ceaseless and untiring energy the Germans are trying to get command of this, one of the most profitable and important branches of commerce; time, money, and energy are expended in ever repeated efforts to beat others and secure new discoveries. Right here in Mannheim and adjacent towns a large number of skillful chemists are

constantly employed producing and experimenting. The gold mines of an El Dorado or the silver ones of Colorado are not richer in yielding wealth than the laboratories of these establishments. Their alembics yield more wealth than middle-age necromancers dreamed of getting from theirs.

J. C. MONAGHAN,

UNITED STATES CONSULATE,

Consul.

Mannheim, August 6, 1889.

CENSUS OF THE CITY OF MEXICO.

TRANSMITTED BY MINISTER RYAN.

[From the Two Republics, August 28, 1889]

If the city of Mexico were Chicago, it would, according to the results of the late census, have a population of 451,246, and probably a sixth more, from the fact of the imperfect manner in which it was taken. But not possessing the spreading out and annexation proclivities of the lakeside city, its population, from the returns from all sources, is put in exact numbers at 329,535. It was some eight months ago when the blanks for the census were distributed to the "heads of families" in the district, and since that time the bureau for the compilation of the census has been busy and has only just given the result of its labors to the public. There is no doubt that the census is incomplete, and it is stated that fully one-sixth more should be added to the results in round numbers to give the nearly exact figures of the population of the district. As it is the first attempt that has been made to take the census the results have been comparatively good and beats the old method employed by some writers of computing the population of the district by the death rate.

The report of the census bureau shows among many other things the following:

Municipalities.	Popu- lation.	Municipalities.	Popu- lation.
<i>City of Mexico.</i>		<i>Xochimilco district—Continued.</i>	
First ward.....	23,032	Mixquic.....	1,889
Second ward.....	52,823	Total.....	41,360
Third ward.....	63,336	<i>Tlalpam district.</i>	
Fourth ward.....	35,466	Tlalpam.....	8,831
Fifth ward.....	51,031	San Angel.....	10,580
Sixth ward.....	53,863	Coyoacan.....	7,113
Seventh ward.....	36,929	Ixtapalapan.....	5,825
Eighth ward.....	13,055	Ixtacalco.....	3,127
Total.....	329,535	Total.....	35,381
<i>Tacubaya district.</i>		<i>Guadalupe Hidalgo district.</i>	
Tacubaya.....	12,027	Guadalupe.....	6,566
Santa Fé and Cuajimalpa.....	6,083	Atzacotalco.....	6,789
Tacuba.....	3,188	Total.....	13,355
Mixcoac.....	2,252	<i>General résumé.</i>	
Total.....	23,550	City of Mexico.....	329,535
<i>Xochimilco district.</i>		Tacubaya district.....	23,550
Xochimilco.....	14,373	Xochimilco district.....	41,360
Milpa Alta.....	6,362	Tlalpam district.....	35,381
Hastahuacan.....	5,910	Guadalupe Hidalgo district.....	13,355
Tlahuac and Tlaltemco.....	5,271	Absent from districts.....	5,822
Tulyehualco.....	3,776	Floating population.....	2,243
Oxcotepec.....	1,876	Total population.....	451,246
Actopan.....	1,903		

Age of inhabitants.

Description.	Men.	Women.
Under 12 years.....	60,862	59,056
From 12 to 21 years.....	41,221	46,258
From 21 to 50 years.....	96,218	99,945
Over 50 years.....	18,201	21,420
Total.....	216,502	226,679

Birthplace of inhabitants.

Birthplace.	Number.	Birthplace.	Number.
Federal districts	272,254	Russia.....	9
States of the Republic.....	164,065	Austria-Hungary	45
United States of America.....	780	Portugal	6
Central and South American republics	153	Sweden, Norway, and Denmark.....	26
Spain	3,391	Asia	6
France.....	1,261	Various nationalities	151
Germany.....	363	Total	443,181
England.....	227		
Italy.....	444		

Civil state.

Description.	Men.	Women.
Single.....	141,702	134,369
Married.....	66,890	64,812
Widowers.....	7,898	
Widows.....		27,510
Total	216,490	226,691

As the total of the "civil state" sums up 443,181, the present fixed population of the federal district, it will be seen that even the infants are included under the head of "single men and women."

Religious state.

Description.	Number.
Catholics	437,860
Protestants	3,283
Greeks	19
Various.....	516
Without religion.....	1,503
Total.....	443,181

Elementary instruction.

Description.	Number.
Able to read and write.....	162,855
Unable to read and write	280,326
Total.....	443,181

Of those "unable to read and write" it must be remembered that 119,918 are under twelve years of age.

Occupation of the inhabitants.

Occupation.	Women.	Men.	Occupation.	Women.	Men.
Attorneys.....		585	Artisans.....	18,075	49,654
Agriculturists.....		1,434	Merchants.....		17,449
Brokers.....		298	Clerks.....		4,791
Dentists.....		36	Servants and laborers.....	37,182	36,722
Apothecaries.....		171	Various trades.....	806	2,040
Photographers.....		86	Manufacturers.....		971
Engineers.....		375	Mechanics.....		590
Physicians.....	1	350	Civil employés.....		7,458
Contractors.....		60	Students.....	41,783	49,501
Catholic clergymen.....		223	Army.....		8,385
Clergymen of other denomina- tions.....		26	Navy.....		76
Notaries.....		40	Various occupations.....	6,000	10,040
Midwives.....	79		Real estate owners.....		1,207
Telegraph operators.....		137	Without occupation.....	122,765	21,207
Veterinary surgeons.....		39	Total.....	226,691	216,490
Various professions.....		2,080			

Physical and other defects.

Description.	Men.	Women.	Description.	Men.	Women.
Blind.....	151	118	Lepers.....	2	1
Deaf.....	166	125	Idiots.....	21	25
Deaf and dumb.....	42	37	Insane.....	263	225
Mutilated.....	502	102	Total.....	1,267	811
Paralyzed.....	120	178			

Absent and transient.

Description.	Number.
Men.....	3,538
Women.....	2,284
Transient.....	2,243
Total.....	8,065

Useful population.

Description.	Number.
Men.....	214,544
Women.....	226,559
Total.....	441,103

COCOA-NUT BUTTER.

REPORT BY CONSUL MONAGHAN, OF MANNHEIM.

German chemists discovered in the cocoa-nut a fatty substitute for butter. This discovery was made by a Doctor Schlunk, practical chemist at Ludwigshafen, just over the Rhine from Mannheim. Shortly after the discovery was made a firm was established in this city under the name of "P. Müller und Söhne," which sunk a large amount of capital in an enterprise having for its object the production of the new article, to which they have given the name of "cocoa-nut butter." The results achieved have more than justified their expectations. The firm is not able to answer its constant demands. Although in existence only one year it employs twenty-five workmen, who get from 25 to 75 cents a day, has a 40 horse-power engine, and produces daily 3,000 kilograms of butter, which retails at from 55 to 65 pfennigs, or from 13 to 15½ cents, per pound, or 25 to 30 cents per kilogram.

The nuts are obtained from almost all lands lying in the tropics, especially from the South Sea and Coral islands, Arabia, the coast countries of Africa, and South America. Natives in countries where the nuts grow have for a long time used the milk of these nuts, instead of food oils. It contains 60 to 70 per cent. of fat and 23 to 25 per cent. of organic substances, of which 9 to 10 per cent. is of albumen. Liebig and Fresenius had already discovered the value of the cocoa-nut-oil, or fat, but did not succeed in its production as a substitute for butter. The new butter is of a clear, whitish color, melts at from 26° to 28° Celsius, and contains—

Water.....	0.0008
Mineral stuffs.....	0.0060
Fat.....	99.9932
Total.....	100.0000

It hardens at 19° Celsius. It is better adapted, however, for the kitchen than for the dining-room that, is, for cooking purposes than for the uses to which butter is put on our tables. It is neither disagreeable to the taste nor smell. In a country where real butter runs all the way from 25 to 35 cents per pound and cocoa-nut butter costs but 15 cents a great future must open up before the latter. At present it is chiefly used in hospitals and other state institutions, but is also rapidly finding its way into houses or homes where people are too poor to buy butter. The working classes are rapidly taking to it, instead of the oleomargarines, against which so much had been said in the papers during the last two or three years.

The new butter is said to be singularly free from acids and other disturbing elements so often found in butter, especially that made from milk taken from cows diseased with tuberculosis. Here it is estimated that fully 10 per cent. of the milk-giving cows are so troubled. This absence of acids and other matter renders its digestion much easier, hence the preference already

shown for the new article by hospitals and such institutions. There are those who do not hesitate to declare this new substitute as healthier and infinitely preferable to the too often bad butter brought on the markets, and not to be named in the same breath with the oleomargarines made too often from the diseased fat of horse and sheep flesh.

When it is remembered that Germany has already some fifty factories making oleomargarines and other artificial butters, and that some 180,000 centners are produced annually, it will be readily seen that regular butter will have hard work to hold its own in a hundred uses against its new rivals, and especially so since the oleomargarines and artificial butters of all kinds are placed under severe, careful, and watchful state inspectors. It is hoped, however, that no losses, but gains rather, will arise; for, besides the profits resulting from the new substitutes, more meat and milk, as such, will come on the markets, and consequently into use. If, with König, we assume that the principal nutriments—albumen, fats, and carbon-hydrates—are paid for in the ratio of 5 : 3 : 1, *i. e.*, a kilogram of albumen costs five times, and a kilogram of fat three times, as much as a kilogram of carbon-hydrate, we arrive, by a comparison of the nutritiousness of milk with other articles of diet, at the following results: If we pay for 1 kilogram of milk 15 pfennigs, for a mark we get 21.33 per cent. of nutriment; for 1 kilogram lard (bacon), 172 pfennigs, 16.08 per cent.; for 1 kilogram fatty cheese, 162 pfennigs, 14.32 per cent.; for 1 kilogram pork, 131 pfennigs, 14.01 per cent.; for 1 kilogram veal, 112 pfennigs, 10.33 per cent.; for 1 kilogram beef, 128 pfennigs, 9.11 per cent.; for 1 kilogram eggs, 200 pfennigs, 4.97 per cent.

Now, if these facts are once known, milk, as an article of diet, will be more in demand, and the quantities no longer needed to make butter will find their way into the families where formerly pure butter was unknown, but where its substitute, cocoa-nut butter, has taken fast hold.

The principal purpose of this report is to call attention to this new article with a view to intercepting its introduction from abroad as an article of import. If it is what chemists and hospital supervisors say it is, its manufacture in the United States, where such vast quantities of butter are consumed, should be undertaken.

J. C. MONAGHAN,
Consul.

UNITED STATES CONSULATE,
Mannheim, August 6, 1889.

POTATOES IN GERMANY.

REPORT BY CONSUL MONAGHAN, OF MANNHEIM.

In the city of Offenbergh, on the road from Heidelberg to Basel, stands a monument to Francis Drake, the English admiral of Elizabeth's time, who is popularly supposed by the Germans to have introduced the potato from America into Europe.

Potatoes constitute one of the staple products of every state in the German Empire. This "apple of the earth," as the French call it, gets the name of the bread of the poor in Germany—"Das brod der armut." In many parts of the Empire, with milk, it constitutes the chief article of sustenance. The chief nutritious quality of the potato is the starch it contains, and those potatoes are best which contain this article in greatest abundance, and these are those that when cooked are mealier. The so-called watery potatoes contain little starch and serve best made up into salads. Germans refuse to take the potatoes out of the ground till a potful boiled shows them to be mealier; and this they will be only when fully ripened. Some potatoes contain more starch than others. Hence an effort here to plant and produce only those kinds containing the largest amount of this nutritive substance. Potatoes do not contain the largest amount of starch just when taken out of the earth, but some time afterwards, usually in the month of December. From the time of digging till December there is an increase in the amount of starch; this remains good during January, after which a decline in the amount sets in.

The chemist Stöckhardt has proved scientifically what every one with a keen taste can prove for himself, viz, that an increase and decline or decrease in the amount of starch in potatoes takes place as above indicated. Stöckhardt found 10 per cent. starch in potatoes dug in August; in September the same kind of potatoes (dug in August) had 14 per cent., and from that time on gained 1 per cent. monthly until December, when they had 17 per cent., which they retained all through January, after which the percentage decreased in the same ratio, 1 per cent. monthly for two months, when it increased to a 2 per cent. decrease.

From a business and household stand-point the best time to handle potatoes for drying and preserving is during the months of December and January, or from the middle of November till the middle of February.

Here potatoes are "put up" and dried; sometimes they are left longer in the earth either as, and where, they grew, or in holes dug for the purpose and covered with loose layers of earth, sods, or straw and manure; sometimes they are packed in road sand (wagon dust), layer for layer of sand and potatoes; this system is said to keep them very well. A second method is one learned from our people, that of drying the potatoes, taking care to dry them when the starch is strongest in them. American dried potatoes in London at 40 marks or \$10 a centner set Germans wild. They worked night and day experimenting until they learned the process, after which wandering teachers (*wanderlehrer*) went from place to place giving the poor peasantry instructions how to do it. The Germans express a hope to be able to produce and dry so many potatoes that they will be absolutely independent of the outside world. I can not help expressing an opinion—an opinion which I have very often heard expressed here—that if our American sweet-potatoes could be properly put and pushed upon the German market, all we could supply would be bought at profitable prices. An effort should be made. I have heard people wonder a hundred times whether they (sweet-potatoes, dried ones) are to be obtained in Europe or not.

The uses to which good, mealy, *i. e.*, starchy, dried potatoes can be put ; the cheapness of transportation, since dried they weigh but about one-fourth their original weight ; the universality of the demand for this staple article of human food ; the fact that they are indigenous to our soil and climate, and that all soils and climates do not give good ones, are reasons sufficient to encourage a special study of this article with a view to secure a larger and more profitable home and export trade in the same.

J. C. MONAGHAN,
Consul.

UNITED STATES CONSULATE,
Mannheim, August 6, 1889.

SUBSIDIES TO BRITISH STEAM-SHIPS.

REPORT BY CONSUL-GENERAL NEW, OF LONDON.

The British Government does not grant subsidies, in the general sense of that term, to any steam-ship company, but the post-office authorities make contracts for the conveyance of mails to the different parts of the world with the steam-ship companies having steamers sailing to those ports.

I transmit herewith two copies of the "Arrangements of the Foreign and Colonial Packet Service," corrected to July 1, 1889, a publication issued by the British post-office, giving a list of the contracts entered into with the different steam-ship companies for the conveyance of mails by sea, showing the lines of communication, how often dispatched, payment made to each company, etc. No payment other than for the conveyance of mails is specially made for maintaining communication between Great Britain and Central and South America and the West Indies.

I inclose a statement of the amount paid by the British post-office for the conveyance of mails for the last twenty years, also statements showing the average rates of freight charged by the steam-ship companies conveying the mails to the ports of Colon, La Guayra, Rio de Janeiro, Buenos Ayres, and Valparaiso. I am informed that the British Government grants some aid to companies building large steam-ships, with a contract that such vessels shall in time of war be called into the service of the Government as war-ships and transports, but the amount of such payments I have not been able to ascertain.

JNO. C. NEW,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
London, September 3, 1889.

POST-OFFICE PACKET SERVICE

(Inclosure x in Consul-General New's report.)

Statement showing the expenditure on account of the post-office packet service from the year 1868-'69 to the year 1888-'89, inclusive.

Year.	Amount..	Year.	Amount.
1868-'69.....	\$5,454,530	1879-'80.....	\$3,865,260
1869-'70.....	6,043,630	1880-'81.....	3,592,230
1870-'71.....	6,091,345	1881-'82.....	3,524,330
1871-'72.....	5,721,370	1882-'83.....	3,600,800
1872-'73.....	5,695,510	1883-'84.....	3,608,355
1873-'74.....	5,596,060	1884-'85.....	3,642,065
1874-'75.....	4,920,770	1885-'86.....	3,662,505
1875-'76.....	4,433,235	1886-'87.....	3,625,915
1876-'77.....	4,255,130	1887-'88.....	3,490,860
1877-'78.....	3,813,800	1888-'89.....	3,184,435
1878-'79.....	3,891,205		

Abstract of contracts for the conveyance of foreign and colonial mails by sea.

[Inclosure s in Consul-General New's report.]

Line of communication.	How often.	Departure.	Number, size, and character of vessels.
Dover and Calais	Daily.....	From Dover on arrival of night mail train from London; from Calais on arrival of night mail train from Paris.	A sufficient number of efficient steam-vessels, with a small steam-vessel for landing and embarking mails, etc., at Calais.
Brindisi to Bombay and <i>vice versa</i> (via the Suez Canal). ^a	Weekly.....	From Brindisi every Monday.	A sufficient number of efficient steam-vessels.
Brindisi to Shanghai and <i>vice versa</i> (via the Suez Canal). ^b	Fortnightly.....	From Brindisi every alternate Monday.	Do.
Brindisi to Adelaide and <i>vice versa</i> (via the Suez Canal). [†]do.....	.....do.....	Do.
Naples to Adelaide and <i>vice versa</i> (via the Suez Canal). [‡]do.....	From Naples every alternate Monday.	Do.
Liverpool to New York.....	Twice a week.....	From Liverpool every Wednesday and Saturday, and from Queens-town the following days.	Their fastest vessels, both winter and summer.
Bermuda and New York....	Fortnightly.....	From Bermuda every alternate Thursday.	A sufficient number of efficient steam-vessels.

^a The contract stipulates that on six months' notice Salonica may be substituted for Brindisi, and for a modification of the services whenever political circumstances require it.

[†] The contract stipulates that on three months' notice Naples may be substituted for Brindisi, and also provides for a modification of the services whenever political circumstances require it; for instance, in the event of the Suez Canal not being practicable the mails are to be conveyed via the Cape of Good Hope. Certain mails are to be carried from and to a port in the United Kingdom. The outward packet is to continue her voyage to Melbourne and Sydney, and the homeward packet is to start from Sydney and call at Melbourne.

[‡] The contract provides for a modification of the services whenever political circumstances require it; for instance, in the event of the Suez Canal not being practicable the mails are to be conveyed via the Cape of Good Hope. Certain mails are to be carried from and to a port in the United Kingdom. The outward packet is to continue her voyage to Melbourne, and the homeward packet is to start from Sydney and call at Melbourne; but the contractors are at liberty to continue the outward voyage beyond Sydney to Newcastle, and to commence the homeward voyage from that port.

[§] These packets convey mails on the outward voyage only.

Abstract of contracts for the conveyance of foreign and colonial mails by sea—Continued.

Line of communication.	How often.	Departure.	Number, size, and character of vessels.
Southampton to Buenos Ayres.*	Twice a month †.....	From Southampton on 9th and 24th of each month, except when those dates fall on Sunday, then on the following days. ‡	A sufficient number of efficient steam-vessels.
To and from West Indies...	Fortnightly.....	From Southampton every alternate Thursday. §	Do.
Panama to Valparaiso *.....	Twice at least in each calendar month. §	From Panama every alternate Wednesday. §	Do.
To Brazil, River Plate, and Pacific (via Straits of Magellan).*	Fortnightly.....	From Liverpool every alternate Wednesday and from Bordeaux every alternate Saturday.	Do.
Aden, Zanzibar, and Lindi..	Once every 4 weeks.....	From Aden on arrival of mail packet from Suez.	Do.
To and from the west coast of Africa.	Weekly.....	From Liverpool every Saturday by a packet of either country alternately.	Do.
To and from the Cape of Good Hope. To touch at St. Helena outward on every fourth voyage, and at St. Helena and Ascension homeward on every fourth voyage. ¶	.....do.....	From Southampton every alternate Friday; from Dartmouth every alternate Friday.	Do.

Line of communication.	Contractors.	Contract.		
		When made.	Commenced.	Terminates.
Dover and Calais.....	Southeastern Railway Company, and London, Chatham, and Dover Railway Company. Agent, J. S. Forbes, Victoria Station, Pimlico, S. W.	Mar. 25, 1878	June 20, 1878	On 12 months' notice.
Brindisi to Bombay and <i>vice versa</i> (via the Suez Canal). ¶	Peninsular and Oriental Steam Navigation Company, 122 Leadenhall street, E. C. A. M. Bethune, secretary.	Mar. 18, 1887	Feb. 1, 1888	On January 31, 1898, if twenty-four months' notice be given.
Brindisi to Shanghai and <i>vice versa</i> (via the Suez Canal). ¶	.....do.....	.....do.....	.....do.....	Do.
Brindisi to Adelaide and <i>vice versa</i> (via Suez Canal). **	.....do.....	Jan. 19, 1888	.....do.....	On January 31, 1895.

* These packets convey mails on the outward voyage only.

† By an arrangement sanctioned on the 15th of January, 1888, (Min. 26 O.) the company is permitted to dispatch a packet on every alternate Thursday, commencing on the 15th of March, instead of on the 9th and 24th of each month.

‡ The contract stipulates that on three months' notice Plymouth may be substituted as the port of departure of the outward mails, in which case the company is to receive an additional yearly payment of £1,250.

§ The company has arranged to dispatch a packet every week.

¶ The packets of both companies are to call both on the outward and homeward voyages at Lisbon or Madeira for the purpose of landing and taking up mails, and at the Canary Islands, at their option, for the purpose of landing and taking up passengers and cargo. Arrangements have been made for serving the islands of St. Helena and Ascension, for the most part, by the intermediate steamers of the Union Steam-ship Company and of the Castle Mail Packets Company, instead of by the regular Cape packets, the regular packets being used only on a few exceptional occasions, on which no suitable intermediate steamer may be available. (*Vide* Min. No. 295 P.)

¶ The contract stipulates that on six months' notice Salonica may be substituted for Brindisi, and for a modification of the services whenever political circumstances require it.

** The contract stipulates that on three months' notice Naples may be substituted for Brindisi, and also provides for a modification of the services whenever political circumstances require it; for instance, in the event of the Suez Canal not being practicable the mails are to be conveyed via the Cape of Good Hope. Certain mails are to be carried from and to a port in the United Kingdom. The outward packet is to continue her voyage to Melbourne and Sydney, and the homeward packet is to start from Sydney and call at Melbourne.

Abstract of contracts for the conveyance of foreign and colonial mails by sea — Continued.

Line of communication.	Contractors.	Contract.		
		When made.	Commenced.	Terminates.
Naples to Adelaide and <i>vice versa</i> (via the Suez Canal).*	Orient Steam Navigation Company, 13 Fenchurch avenue. S. Waymouth, R. N., secretary.	Jan. 23, 1888	June 20, 1878	On January 31, 1895.
Liverpool to New York †.....	Oceanic Steam Navigation Company, 10 Water street, Liverpool; and Cunard Steam-ship Company, 8 Water street, Liverpool.	May 3, 1887	Mar. 1, 1887	On 12 months' notice.
Bermuda and New York.....	Quebec Steam-ship Company, Quebec, Canada. Agents, A. E. Outerbridge & Co., 51 Broadway, New York.	Oct. 9, 1888	Sept. 1, 1876	On December 31, 1889, if 6 months' previous notice be given.
Southampton to Buenos Ayres. †	Royal Mail Steam-packet Company, 18 Moorgate street, E. C. J. M. Lloyd, secretary.	June 15, 1876	Jan. 1, 1889	On 6 months' notice.
To and from West Indies.....	.....do.....	Mar. 18, 1885	July 1, 1885	On June 30, 1890. †
Panama to Valparaiso †.....	Pacific Steam Navigation Company, 31 James street, Liverpool. Frederick Alcock, secretary.	Jan. 8, 1878	July 1, 1878	On 6 months' notice.
To Brazil, River Plate, and Pacific (via Straits of Magellan). †	.....do.....	.....do.....	.....do.....	Do.
Aden, Zanzibar, and Lindi...	British India Steam Navigation Company, Glasgow.	Oct. 9, 1883	Sept. 26, 1883	On October 8, 1889. ‡
To and from the west coast of Africa.	African Steam-ship Company, 81 Great St. Helen's, E. C. E. Bicker-Caarten, secretary; British and African Steam Navigation Company, 175 West George street, Glasgow. Charles Gibson, secretary.	.....do.....	.....do.....	On 3 months' notice.
To and from the Cape of Good Hope. To touch at St. Helena outward on every fourth voyage, and at St. Helena and Ascension homeward on every fourth voyage. §	Union Steam-ship Company, 11 Leadenhall street, E. C. E. A. Hart, secretary; Castle Mail Packets Company. Managers and agents, Donald Currie & Co., 4 Fenchurch street, E. C.	Feb. 1, 1888 ¶	Oct. 1, 1888	On September 30, 1893, if 12 months' notice be given.

* The contract provides for a modification of the services whenever political circumstances require it; for instance, in the event of the Suez Canal not being practicable the mails are to be conveyed via the Cape of Good Hope. Certain mails are to be carried from and to a port in the United Kingdom. The outward packet is to continue her voyage to Melbourne, and the homeward packet is to start from Sidney and call at Melbourne; but the contractors are at liberty to continue the outward voyage beyond Sidney to Newcastle, and to commence the homeward voyage from that port.

† These packets convey mails on the outward voyage only.

‡ Notice to terminate given on the 11th of February, 1888.

§ This contract has been extended for one year from October 9, 1888, with certain contingent modifications. (Min. 675 O.)

¶ The packets of both companies are to call both on the outward and homeward voyages at Lisbon or Madeira for the purpose of landing and taking up mails, and at the Canary Islands, at their option, for the purpose of landing and taking up passengers and cargo. Arrangements have been made for serving the islands of St. Helena and Ascension, for the most part, by the intermediate steamers of the Union Steam-ship Company and of the Castle Mail Packets Company, instead of by the regular Cape packets, the regular packets being used only on a few exceptional occasions, on which no suitable intermediate steamer may be available. (*Vide* Min. No. 295 P.)

¶ These contracts have been entered into with the Government of the Cape of Good Hope.

Abstract of contracts for the conveyance of foreign and colonial mails by sea — Continued.

Line of communication.	Payment.	Contract time.	Deduction for over time.	Penalty for general non-performance.
Dover and Calais.....	£8,000 per annum and £5 per trip when the voyage in either direction is performed in less than contract time.*	To Calais in 2 hours and 5 minutes; from Calais in 2 hours and 10 minutes.†	Deduction of £5 from accumulated premiums if the duration of the voyage exceeds the time allowed by 15 minutes.	£7,000
Brindisi to Bombay and vice versa (via the Suez Canal).‡	£265,000 per annum....	344 hours outwards, 344 hours homewards, inclusive of stops.	£100 for every 12 hours outwards; £200 for every 12 hours homewards.‡	40,000
Brindisi to Shanghai and vice versa (via the Suez Canal).‡	.....do.....	246 hours outwards, 270 hours homewards, inclusive of stops.	.....do.....	40,000
Brindisi to Adelaide and vice versa (via the Suez Canal).‡	£85,000 per annum....	32 days and 12 hours.	£100 for every 24 hours, both outwards and homewards.‡	20,000
Naples to Adelaide and vice versa (via the Suez Canal).‡	.....do.....	768 hours.....	.....do.....	20,000
Liverpool to New York.**	For letters and post-cards, 3s. per lb.; newspapers, books, and patterns, 3d. per lb., excepting for correspondence coming from union countries, on which the union sea rates alone are paid.			
Bermuda and New York.	Letters and post-cards 5 francs per kilogram, and 40 centimes per kilogram for other mail matter.	69 hours 30 minutes, both outwards and homewards.	Such sum as the post-master-general may determine, but not exceeding in amount such part of the total payment as shall be duly apportionable to the single voyage.‡	.....
Southampton to Buenos Ayres.**	For letters, 10½d. per ounce; newspapers, 3d. per pound; books and patterns, 5d. per pound.†† ‡‡	To Buenos Ayres in 34 days 14 hours, inclusive of stops.	One-eighth part of ordinary payment for every 24 hours.††	300

* The contractors are bound to provide a steam-vessel for any special purpose on payment of £40 per round voyage. The contractors agree to provide a special steamer on Friday nights for the conveyance of the Indian mails from Dover to Calais for a payment of £25 per trip. (*Vide Min. 364 K.*)

† Fifteen minutes additional are allowed whenever it may be necessary to land or embark the mails at Calais by means of the small steam-vessel.

‡ The contract stipulates that on six months' notice Salonica may be substituted for Brindisi, and for a modification of the services whenever political circumstances require it.

§ These deductions are conditional, and not to be enforced when the excess of time arises from causes beyond the control of the company.

|| The contract stipulates that on three months' notice Naples may be substituted for Brindisi, and also provides for a modification of the services whenever political circumstances require it; for instance, in the event of the Suez Canal not being practicable the mails are to be conveyed via the Cape of Good Hope. Certain mails are to be carried from and to a port in the United Kingdom. The outward packet is to continue her voyage to Melbourne and Sydney, and the homeward packet is to start from Sydney and call at Melbourne.

¶ The contract provides for a modification of the services whenever political circumstances require it; for instance, in the event of the Suez Canal not being practicable the mails are to be conveyed via the Cape of Good Hope. Certain mails are to be carried from and to a port in the United Kingdom. The outward packet is to continue her voyage to Melbourne, and the homeward packet is to start from Sydney and call at Melbourne; but the contractors are at liberty to continue the outward voyage beyond Sydney to Newcastle, and to commence the homeward voyage from that port.

** These packets convey mails on the outward voyage only.

†† By letter dated February 19, 1878, the company agrees to receive 8s. 11d. per pound for letters and 4d. per pound for all other matter. In consideration of this, penalties under tenth and twenty-third clauses of the contract no longer to be paid.

‡‡ By letter dated June 26, 1889, the company agrees to receive 5s. 5d. per pound for letters and post-cards conveyed on behalf of foreign countries, members of the postal union. (*Vide Min. 280 P.*)

Abstract of contracts for conveyance of foreign and colonial mails by sea—Continued.

Line of communication.	Payment.	Contract time.	Deduction for over time.	Penalty for general non-performance.
To and from West Indies. Panama to Valparaiso †.	£90,000 per annum *.... For letters, 4s. 5½d. per pound; newspapers, books, and patterns, 2d. per pound.	.....	£25 for every 24 hours †...	£90,000
To Brazil, River Plate, and Pacific (via Straits of Magellan).‡	For letters, 8s. 11d. per pound; newspapers, books, and patterns, 4d. per pound.‡	.....	.....	.....
Aden, Zanzibar and Lindi.	£7,950 per annum§.....	.....	.....	10,000
To and from the west coast of Africa.	For letters, a sum equal to amount of sea postage; for soldiers' and sailors' letters, 0½d. each; for newspapers, 0½d. each; for books and patterns, 5d. per pound.¶	.....	.....	.....
To and from the Cape of Good Hope. To touch at St. Helena outward on every fourth voyage, and at St. Helena and Ascension homeward on every fourth voyage.**	£26,000 to each company, and a further sum of £300 for the first year, increasing annually by £50 until a maximum of £500 is reached, in respect of the conveyance of parcel mails.	20 days on a direct voyage, and 20 days 18 hours when St. Helena is called at outward, and St. Helena and Ascension homeward; 20½ days when a call is made at St. Helena only on the homeward voyage.	£2 12s. 8d. per hour for the first 12 hours beyond 20 days 12 hours, 21 days, or 21 days 6 hours, respectively; £4 3s. 4d. per hour for the next 12 hours, and at the rate of £6 5s. per hour for every complete hour thereafter, but not to exceed £450 for any one voyage.††	.....

* The contract stipulates that on three months' notice Plymouth may be substituted as the port of departure of the outward mails, in which case the company is to receive an additional yearly payment of £1,250.

† The contract provides for an allowance being made in case of under time on some voyages as a set-off against deductions for over time on other voyages.

‡ These packets convey mails on the outward voyage only.

§ By letter dated June 18, 1889, the company agrees to receive 5s. 5d. per pound for letters and post-cards conveyed on behalf of foreign countries, members of the postal union. (*Vide Min.* 302 P.)

¶ This payment is made by the treasury.

¶ An abatement from the amount accruing to the company is made in the event of delay in sailing from Liverpool up to six days, inclusive. (*Vide* correspondence in 1873.) By letters dated the 5th and 12th of June, 1879, the African Steam-ship Company and British and African Steam Navigation Company respectively agree that for correspondence carried on behalf of foreign countries they are to be paid the sea rates which are actually accounted for to England by the foreign countries, under the provisions of the postal union convention.

** The packets of both companies are to call both on the outward and homeward voyage at Lisbon or Madeira for the purpose of landing and taking up mails, and at the Canary Islands, at their option, for the purpose of landing and taking up passengers and cargo. Arrangements have been made for serving the islands of St. Helena and Ascension, for the most part, by the intermediate steamers of the Union Steam-ship Company and of the Castle Mail Packets Company, instead of by the regular Cape packets, the regular packets being used only on a few exceptional occasions, on which no suitable intermediate steamer may be available. (*Vide Min.* No. 295 P.)

†† These deductions are not to be enforced if the vessels shall arrive on the outward or homeward voyages before the hour of 6 a. m. on the 21st day, nor when the excess of time arises from causes beyond the control of the companies.

[Inclosure 3 in Consul-General New's report.]

The following table shows rates of freight from London by the steam-ships of the Royal Mail Steam-packet Company. For ports called at by the respective steamers, see monthly sailing lists or other notices. Offices: Head—London, 18 Moorgate street; branches—Southampton, Canute Road; Manchester, 9 Albert Square. Telegrams: "Omarius," London, Southampton, or Manchester.

Per ton measurement of 40 cubic feet, or per ton gross weight of 2,240 pounds, at option of company, with 10 per cent. primeage in addition. Freight payable on delivery of bills of lading. Minimum charge for freight through from London, £1 3s. 6d.; from Southampton, £1 1s.

Brasil and River Plate service, January, 1889.

Articles.	Lisbon.*		Pernambuco or Macao.†		Bahia.	
	From South- ampton.‡	Through from London.	From South- ampton.‡	Through from London.	From South- ampton.‡	Through from London.
<i>Special.</i>						
Silks, silk and cotton or silk and woolen mixtures, silk velvets, opium, and other valuable goods.....	<i>Shillings.</i> 30	<i>Shillings.</i> 35	<i>Shillings.</i> 100	<i>Shillings.</i> 105	<i>Shillings.</i> 100	<i>Shillings.</i> 105
Cigars, indigo, plated-ware, needles, quick-silver	25	30	65	70	65	70
<i>Fine goods.</i>						
Cottons and linens of all descriptions, shirts, woolens, worsteds, baizes, flannels, and union cloths (in cases), marsala and eiderdown quilts, gloves, and manufactured goods generally....	20	25	50	55	50	55
Apothecary wares, apparel, arms, books, boots and shoes, curios and Japanese goods, cutlery, drills, dental materials, dress goods, drugs and medicines, furs, haberdashery, india-rubber goods,‡ laces, leather belting, leather cloth, mercury, muslins, perfumery, porcelain, private effects, saddlery and harness, shellac, stationery, scientific, surgical, and telegraphic instruments, type, umbrellas (silk), varnish, wines and spirits, plate glass.....						
<i>Coarse goods.</i>						
Butter, cheese (English), cinnamon and other spices, cocoa, confectionery, groceries, lard, pickles, tea, blankets, carpets, floor cloth, hosiery (cotton and woolen), ink, pianos, starch, tobacco (leaf), oil, wax, woolens, worsteds, baizes, flannels, and low union cloths (in bales), druggets, coverlets, rugs, umbrellas (cotton), machinery (small)....	20	20	45	50	45	50
Cotton or linen yarns, sewing cottons, twist or thread, hats and bonnets.....	20	20	40	45	40	45

* Five per cent. extra charged to these ports to cover cost of landing the goods.

† Ten per cent. extra charged to these ports to cover cost of landing the goods.

‡ The Southampton rates include dock and shipping charges on ordinary goods, except in the case of the minimum bill of lading rate.

§ India-rubber water-proof goods requiring special stowage will be charged freight and a half.

Brazil and River Plate service, January, 1889—Continued.

Articles.	Lisbon.*		Pernambuco or Macao.†		Bahia.	
	From South-ampton.‡	Through from London.	From South-ampton.‡	Through from London.	From South-ampton.‡	Through from London.
<i>Rough goods.</i>	<i>Shillings.</i>	<i>Shillings.</i>	<i>Shillings.</i>	<i>Shillings.</i>	<i>Shillings.</i>	<i>Shillings.</i>
Bedsteads, bedding, biscuits, brushes, candles, canvas, chicory, copper, cotton-waste, Epsom and Glauber salts, fans (common Japanese), furniture, gas-fittings, hardware, hemp, leather (unwrought), matting, nails, paints, paper-hangings, lead-piping, printing and packing paper, tarred and manilla rope (per ton measurement), sanitary-ware, saltpeter, sheep dip, soap (common), soda (common), shot, tin, tin-plates, twine, yellow metal.....	20	20	40	45	40	45
Beer and mineral waters						
Glass bottles, glass-ware, and hollow-ware.....						
Earthen-ware and coir rope.....						
Soda-ash, caustic soda.....						
Hessians and Dundee bagging (in bales).						
Agricultural implements, bar and sheet iron, cement, fire-bricks, galvanized-iron, pig-lead, portable engines, railway materials, rice, salt, threshing-machines, timber, tubing, wagon-work, wire, zinc, machinery (heavy), and other similar cargo.....						
	By special arrangement.					

Articles.	Santos.		Rio de Janeiro.		Montevideo or Buenos Ayres.	
	From South-ampton.‡	Through from London.	From South-ampton.‡	Through from London.	From South-ampton.‡	Through from London.
<i>Special.</i>	<i>Shillings.</i>	<i>Shillings.</i>	<i>Shillings.</i>	<i>Shillings.</i>	<i>Shillings.</i>	<i>Shillings.</i>
Silks, silk and cotton or silk and woolen mixtures, silk velvets, opium, and other valuable goods.....	100	105	100	105	100	105
Cigars, indigo, plated-ware, needles, quick-silver	60	65	60	65	60	65
<i>Fine goods.</i>						
Cottons and linens of all descriptions, shirts, woollens, worsteds, baizes, flannels, and union cloths (in cases), marseals and eiderdown quilts, gloves, and manufactured goods generally....						
Apothecary wares, apparel, arms, books, boots and shoes, curios and Japanese goods, cutlery, drills, dental materials, dress goods, drugs and	50	55	45	50	(1)	(1)

* Five per cent. extra charged to these ports to cover cost of landing the goods.

† Ten per cent. extra charged to these ports to cover cost of landing the goods.

‡ The Southampton rates include dock and shipping charges on ordinary goods, except in the case of the minimum bill of lading rate.

§ By arrangement.

Brasil and River Plate service, January, 1889—Continued.

Articles.	Santos.		Rio de Janeiro.		Montevideo or Buenos Ayres.	
	From South-ampton.*	Through from London.	From South-ampton.*	Through from London.	From South-ampton.*	Through from London.
<i>Fine goods—Continued.</i>	<i>Shillings.</i>	<i>Shillings.</i>	<i>Shillings.</i>	<i>Shillings.</i>	<i>Shillings.</i>	<i>Shillings.</i>
medicines, furs, haberdashery, india-rubber goods,† laces, leather belting, leather cloth, mercury, muslins, perfumery, porcelain, private effects, saddlery and harness, shellac, stationery, scientific, surgical, and telegraphic instruments, type, umbrellas (silk), varnish, wines and spirits, plate glass.....						
<i>Coarse goods.</i>						
Butter, cheese (English), cinnamon and other spices, cocoa, confectionery, groceries, lard, pickles, tea, blankets, carpets, floor-cloth, hosiery (cotton and woolen), ink, pianos, starch, tobacco (leaf), oil, wax, woollens, worsteds, balises, flannels, and low union cloths (in bales), druggets, coverlets, rugs, umbrellas (cotton), machinery (small)....	30	35	40	45	(1)	(1)
Cotton or linen yarns, sewing cottons, twist or thread, huffs and bonnets.....	45	50	40	45	(1)	(1)
<i>Rough goods.</i>						
Bedsteads, bedding, biscuits, brushes, candles, canvas, chicory, copper, cotton-waste, Epsom and Glauber salts, fans (common Japanese), furniture, gas-fittings, hardware, hemp, leather (unwrought), matting, nails, paints, paper-hangings, lead-piping, printing and packing paper, tarred and manilla rope (per ton measurement), sanitary-ware, saltpeter, sheep dip, soap (common), soda (common), shot, tin, tin-plates, twine, yellow metal.....	45	50	40	45	(1)	(1)
Beer and mineral waters						
Glass bottles, glass-ware, and hollow-ware.....						
Earthen-ware and coir rope.....						
Soda-ash, caustic soda.....						
Hessians and Dundee bagging (in bales).						
Agricultural implements, bar and sheet iron, cement, fire-bricks, galvanized-iron, pig-lead, portable engines, railway materials, rice, salt, threshing-machines, timber, tubing, wagon-work, wire, zinc, machinery (heavy), and other similar cargo.....						

By special arrangement.

* The Southampton rates include dock and shipping charges on ordinary goods, except the case of the minimum bill of lading rate.

† India-rubber water-proof goods requiring special stowage will be charged freight and a half.

‡ By arrangement.

The company to have the option of charging 1 per cent. ad valorem from Southampton, instead of the above-mentioned rates. Through bills of lading are issued in London.

[Inclosure 4 in Consul-General New's report.]

The following table shows rates of freight (to be paid on shipment) through from London (per ton measurement of 40 cubic feet or per ton gross weight of 2,240 pounds, at option of company) for ordinary merchandise, by the mail steam-ships of the Royal Mail Steam-packet Company leaving Southampton every alternate Thursday, and by the freight steamers which leave Southampton every fourth Saturday, commencing January 19. For ports called at by the several departures see monthly sailing notices. Offices: London, 18 Moorgate street; Southampton, Canute Road; Manchester, 9 Albert Square.

West Indies and South American service.

Ports.	Fine goods.*	Coarse goods.†	Primage.
	<i>Shillings.</i>	<i>Shillings.</i>	
Barbadoes.....	45	45	10 per cent.
Demerara‡.....	45	45	Do.
St. Vincent, Grenada.....	55	55	Do.
Trinidad.....	45	45	Do.
Tobago.....	55	55	Do.
St. Lucia§.....	55	55	Do.
Martinique, Guadaloupe.....	65	55	Do.
Dominica.....	55	55	Do.
Montserrat.....	75	65	Do.
Antigua, St. Kitts.....	55	55	Do.
St. Thomas.....	55	55	Do.
Jacmel.....	65	65	Do.
Jamaica (Kingston).....	40	35	Do.
Jamaica out ports: Morant Bay, Port Morant, Port Antonio, Annotto Bay, Port Maria, St. Ann's Bay, Dry Harbor, Falmouth, Montego Bay, Lucea, Sav-la-Mar, Black River, Alligator Pond, Milk River.....	45	40	Do.
Limon.....	50	50	Do.
Colon||.....	60	60	Do.
Savannah||.....	50	50	Do.
Grey Town.....	65	65	Do.
La Guayra**, Puerto Cabello**, Curaçao.....	65	65	Do.
Carthagena||.....	50	50	Do.
Panama.....	107½	97½	5 per cent.
Punta Arenas, San Juan del Sur, Corinto, Amapala, La Union, La Libertad, Acajutla, San José de Guatemala, Champerico, Barra de Ocos††.	1195	1195	Do.
San Benito, Tonala, Salina Cruz, Port Angel, Acapulco, Manzanillo, San Blas, Mazatlan.....	1115	115	Do.
San Francisco.....	1185	1185	Do.

* Fine goods: Apothecary wares, arms, apparel, books, cashmere, cigars, cottons (printed), cotton stuffs, cottons (bleached and dyed), crape, cutlery, cinnamon, drugs, engravings, essences, encaustic tiles, glass (fine), gloves (not silk or kid), haberdashery, hosiery, linens (bleached), mercery, merinos, millinery, muslins, medicines, perfumery, playing cards, private effects, small wares, stationery, surgical instruments, tobacco, tissues, umbrellas (silk), woollens (fine), worsteds.

† Coarse goods: Boots and shoes, bales, blankets (cotton), beads, coverlets, canvas, carpets, china-ware, chandeliers, cloves, cumin seed, cottons (unbleached or gray), druggets, floor cloth, fustians, flannel, hats (silk and felt), India-rubber ware, linens (unbleached), leather (dressed), musical instruments, osnaburgs, oil-cloth, quilts, rugs, slop clothing, sewing cotton, saddlery, tea, thread, umbrellas (cotton), woollens (coarse), yarns.

‡ Five per cent. extra for lighterage at this port.

§ Five per cent. extra will be charged to cover landing tax at this port.

|| Two shillings six pence and primage per ton extra to these ports on shipments by mail steamer, but in case of Savannah only by direct mail steamer.

¶ Three shillings will be charged on each set of bills of lading in respect to the stamp duty imposed by the Colombian Government.

** Ten pence extra to be charged on each bill of lading for stamp duty abroad.

†† Two shillings six pence net per ton extra to these ports on shipments by mail steamer, but in case of Savannah only by direct mail steamer.

‡ Net.

No. 108, September—10.

West Indies and South American service—Continued.

Ports.	Fine goods.*	Coarse goods.†	Primage.
	<i>Shillings.</i>	<i>Shillings.</i>	
Victoria, V. I.‡.....	£105	£105	5 per cent.
Vancouver City§.....	£110	£110	Do.
Honolulu¶.....	£115	£115	Do.
Buenaventura, Tumaco Manta, Bahia, Esmeralda||.....	125	125	Do.
Guayaquil, Payta, Pimentel, Eten, Pacasmayo, Salaverry||.....	80	80	Do.
Tumbes, Malabrigo, Chimbote, Samanco, Casma, Huarmey, Supe, Huacho, Chancay, Ancon||.....	(¶)	(¶)	Do.
Callao.....	60	60	Do.
Cerro Azul, Tambo de Morro, Quilca, Lomas||.....	(¶)	(¶)	Do.
Pisco, Chala, Mollendo, Ilo, Arica, Pisagua, Iquique, Tocopilla, Antofagasta, Taltal, Carrizal Bajo||.....	70	65	Do.
Caldera, Códquimbo, Valparaíso||.....	60	60	Do.

* Fine goods : Apothecary wares, arms, apparel, books, cashmere, cigars, cottons (printed), cotton stuffs, cottons (bleached and dyed), crape, cutlery, cinnamon, drugs, engravings, essences, encaustic tiles, glass (fine), gloves (not silk or kid), haberdashery, hosiery, linens (bleached), mercery, merinos, millinery, muslins, medicines, perfumery, playing cards, private effects, small wares, stationery, surgical instruments, tobacco, tissues, umbrellas (silk), woollens (fine), worsteds.

† Coarse goods : Boots and shoes, balizes, blankets, (cotton), beads, coverlets, canvas, carpets, china-ware, chandeliers, cloves, cumlin seed, cottons (unbleached or gray), druggets, floor cloth, fustians, flannel, hats (silk and felt), india-rubber ware, linens (unbleached), leather, (dressed), musical instruments, osnaburgs, oil-cloth, quilts, rugs, slop clothing, sewing cotton, saddlery, tea, thread, umbrellas (cotton), woollens (coarse), yarns.

‡ On small shipments for Victoria and Vancouver City a charge of 8s., and to Honolulu a charge of 10s. is made to cover transshipment expenses at San Francisco.

§ Net.

¶ Two shillings six pence and primage per ton extra to these ports on shipments by mail steamer, but in case of Savanilla only by direct mail steamer.

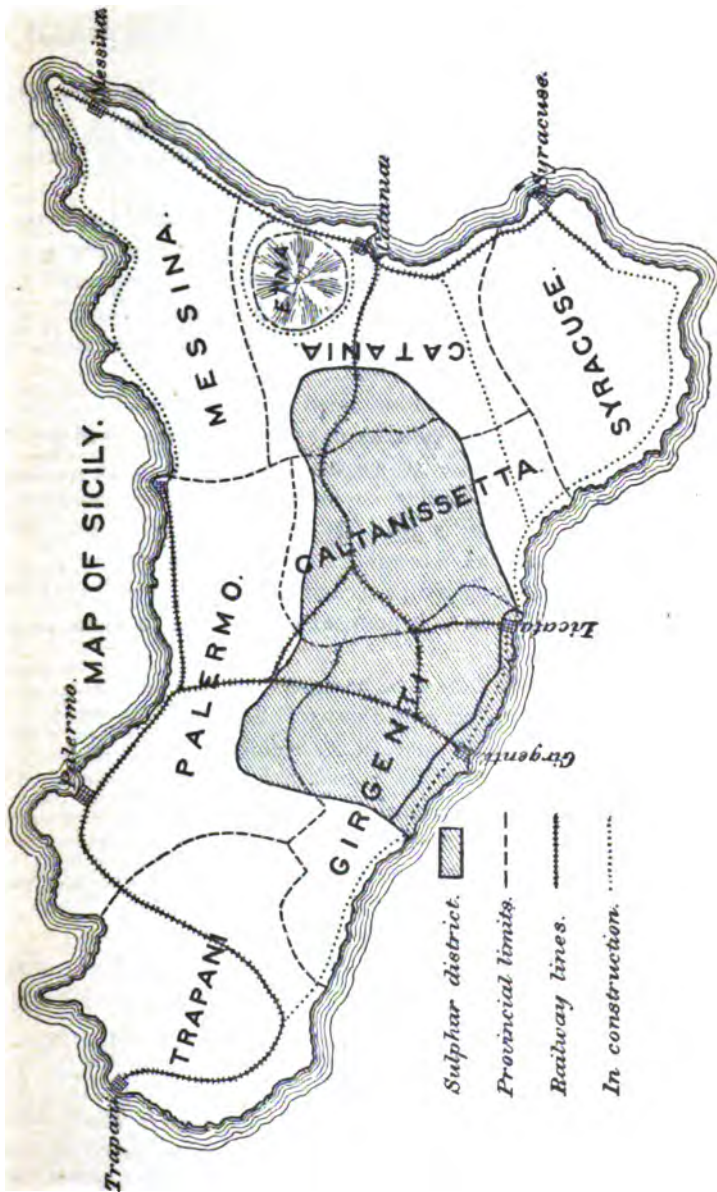
¶ Goods for these ports must be cleared at Callao, and the freights from thence to destination and local expenses be paid at Callao. Bills of lading at through rates can not be issued to these ports. Laces, silks, ribbons, velvets, opium, quinine, furs, silk and cotton and silken and woolen mixed goods, silk elastics, silk and kid gloves, scientific instruments, indigo, porcelain, oil paintings, plated-ware, ivory, and other valuable goods, are charged as follows, viz : To Atlantic ports, fine goods rate plus 1 per cent. on value; to Panama, Central American (Pacific) ports, and Mexican (Pacific) ports, 120s. and 5 per cent. primage; to San Francisco 150s. net; to Victoria (V. I.), 20s., Vancouver City, 25s., and Honolulu 30s., net, above the rate to San Francisco. The above are subject to the minimum bill of lading rates, and to alteration at any time without notice or advice from the company or their agents, and the company reserves to itself the option of charging for goods of a heavy description at either a dock or an increased through rate. The company will not be responsible for any neglect of the carriers, or other occurrence which may delay the arrival at Southampton in time for shipment of goods conveyed at through rates from London and the provinces, such being established for the convenience of shippers. India-rubber water-proof goods requiring special stowage will be charged freight and a half.

In the case of shipments for South Pacific ports a different classification applies, for particulars of which see special tariff. Through bills of lading issued in London.

SULPHUR MINES AND TRADE OF SICILY.

REPORT BY CONSUL LAMANTIA, OF CATANIA.

From a personal visit to a sulphur mine, and as to a report kindly furnished me by a competent engineer of many years' experience in mining, it seems that the most important place in this district is the center of Sicily, in the neighborhood of Caltanissetta, where there are to be observed the best mechanical progress, on account of the special school sustained there by the Italian Government.



The mine district in Sicily comprises the provinces of Catania, Caltanissetta, Girgenti, and the commune of Lercara, in the province of Palermo. There are in all five hundred and sixty-seven mines, one hundred and ninety-one of which are closed, on account of being remote from the railway lines, and carrying the mineral on the back of mules or donkeys does not pay to work them.

On the commercial point of view I may give some summary details on the working and on the method of smelting in use, whilst on the scientific point the matter has been splendidly treated by illustrious geologists of Italy, Great Britain, Germany, and France.

The interior of a mine is carried with pillars and vaults (here commonly called "colonne, pasture, and tetti,") in the same manner as a coal mine. There you see the same galleries, the same portable under-ground rails, the same small wagons by means of which the rock (brimstone ore) is carried to the vertical or inclined shaft, and through this by means of steam-engines is lifted up and piled on the open soil.

The galleries in the mines are sustained by pillars of rock superposed one upon the other, and there are galleries one under the other until the stratum is exhausted. When the mine has surpassed the depth of 40 meters water is generally found, and the hauling engine is used also for pumping. The air of the interior of a mine is generally impregnated with gases, often inflammable, and the first care in opening a new mine is in getting a current of air. This is obtained by opening a second pit hole communicating with the first. Safety lamps have been introduced every-where in order to prevent explosions.

By a recent law every mine is to be supervised by a mineralogical master (*capominatore*) in order to prevent disasters, and to hold the fitters, owners, or contractors responsible for same, or for accidents happening to workmen when laboring. On the other side owners or fitters, by means of a small premium paid to the "Cassa Nazionale sugli Infortuni" (National Insurance Bank) against accidents happening to laborers, are able to stand such losses.

In those mines where there are no engines the mineral is carried in bags by boys on stairs on the inclined shaft up to the open soil. When the engines are in use it is hoisted up in wagons.

The melting of brimstone is only allowed by the Italian Government from the 24th of June till the end of October, as the evaporating acids injure the grain fields.

The smelting process is very simple and takes place at the mines. No machinery, no engineers are to be seen; the ore is simply put in kilns (*calcaroni*) of the capacity of from 100 to 1,000 cubic meters, filled with lumps of ore and covered with earth, in order to prevent excessive evaporation. The mass is then lighted on the highest point of the inclined line of the bottom of the kiln. When fire has made a good progress in the kiln it is covered completely, and slow internal combustion commences, a good quantity of the mineral acting as fuel for heating and smelting the whole mass. In about

five days a hole is made at the lowest point of the inclined bottom of the kiln, and the sulphur flows out in a liquid state into small wooden forms of the capacity of about 65 kilograms, which are filled continuously one after the other until the kiln has ceased to flow. The liquid brimstone is then kept for about three hours in the forms, just sufficient time for cooling and changing into a solid state. In cooling the sulphur contracts, and falls easily out of the forms. It is then ready to be sent to the nearest harbor for shipping. It is graded into seven different qualities, from the finest yellow to the darkest brown, and denominated: Licata, first quality; best, second unmixed; good, second unmixed; current, second unmixed; best, third unmixed; good, third unmixed; current, third unmixed. When the ore is very rich steam is used instead of fuel, and different systems covered by patents are adopted. The work is paid by cubic measure of mineral (ore) brought out of the mine. The work in the mine is considered unwholesome; as proof thereof it is to be remarked that in those provinces of Sicily where mines are abundant the greatest number of young men are deformed and unfit for military service.

The number of workmen employed in a mine is, according to the importance of the same, from four to four hundred men and boys, working on an average eight hours and earning about 3 lire for men and $1\frac{1}{2}$ lira for boys (1 lira = 19.3 cents.) The miner with his small earning to support his family has to live very economically. Miners pay no personal taxes except the commune tax, which is included in the price of victuals. Every mine has a gang of boys to carry the ore out of the mine where the work is not done by machinery.

In the last years the prices of sulphur have gone down sensibly, owing to the adoption of steam-engines in the mines, to the opening of the railroads, which have reduced the cost of transportation to the harbors, once so costly because done by carts, mules, and donkeys, and to the superabundance of production in comparison with consumption and export.

I think prices will keep low for many years unless speculation on the markets should bring a fictitious rise of a short duration. It is my belief that few if any countries can compete in cheapness of hand-labor with the Italian workmen, well known every-where for their sobriety.

The refinement of brimstone is made with different systems (patented), but on the same principle. Brimstone is put in retorts and through a small fire is evaporated and condensed in cooling ovens. The grinding is done in different ways, all kept secret. Rolling, crushing, or vertical stone-mills are used; but I should never advise American buyers to import ground brimstone, as very often it is adulterated with sundry stuffs, such as chalk, earth, strontia, etc., and dyed with chromate of yellow. Many sulphur mines have been worked in Sicily by foreigners, but very few of these have succeeded in getting any profit.

Sicilians work the mines very economically, and only for large and rich mines steam-engines are used, whilst foreigners begin always with many expenses without ascertaining the thickness and extent of the stratum.

Owners very seldom sell their mines unless at exorbitant prices. The general usage is to lease the mines to fitters (*gabelloiti*), getting from 10 to 40 per cent. of the yield of brimstone during the time of the lease, which runs from two to forty years. On the mines there is only one tax, the land tax. This is paid to the Government, not on the value of the over-soil, but on that of the under-soil, according to the value of the formed working mine.

THE SULPHUR TRADE.

As regards the sulphur trade in Sicily, it is proper to say that notwithstanding the fact that Catania is further from the sulphur district than Licata and Girgenti yet her export trade is larger than the two named places considering the difference in number of the mines located in the three provinces.

The Catania export trade has gradually increased from 78,910 cantars in 1850 to nearly 1,500,000 cantars annually during the last ten years, as shown by the following table:

TABLE I.—*Brimstone export from Sicily during the last 39 years.*
GIRGENTI.

Year.	To—					
	Italy.	England	France.	United States.	Other countries.	Total.
	<i>Cantars.</i>	<i>Cantars.</i>	<i>Cantars.</i>	<i>Cantars.</i>	<i>Cantars.</i>	<i>Cantars.</i>
1850.....	21,435	160,516	247,900	39,041	43,520	512,412
1851.....	23,851	162,320	239,700	41,201	52,123	518,995
1852.....	33,163	188,773	303,706	37,882	67,743	631,267
1853.....	4,615	269,893	253,500	29,211	59,514	616,733
1854.....	10,647	434,967	207,103	45,980	79,495	778,142
1855.....	20,384	352,846	323,830	14,040	57,903	769,003
1856.....	18,449	371,233	379,555	29,796	76,772	876,105
1857.....	29,326	356,596	450,933	13,775	51,095	891,725
1858.....	31,998	382,361	256,582	25,502	98,066	794,499
1859.....	57,864	392,424	418,576	45,554	99,735	1,014,153
1860.....	62,047	358,411	322,282	56,823	87,105	886,668
1861.....	89,657	374,449	444,933	16,060	95,165	1,020,264
1862.....	72,966	426,956	259,273	40,655	167,406	967,256
1863.....	137,734	303,733	447,107	22,200	270,682	1,112,456
1864.....	145,661	354,823	341,433	3,840	113,878	959,635
1865.....	140,795	325,003	270,499	59,413	145,122	940,822
1866.....	23,598	416,358	249,729	54,005	121,800	925,490
1867.....	19,730	348,523	266,933	45,500	261,356	942,042
1868.....	46,345	359,228	303,176	87,450	120,038	966,237
1869.....	49,596	420,924	205,311	109,040	174,346	959,217
1870.....	107,192	570,127	190,019	133,422	176,188	1,176,948
1871.....	100,603	419,922	171,314	107,951	240,890	1,040,707
1872.....	119,664	392,478	405,742	152,301	301,647	1,371,832
1873.....	115,254	294,252	397,325	147,556	342,325	1,296,712
1874.....	114,492	402,362	262,659	137,083	314,990	1,231,586
1875.....	86,433	402,379	226,215	144,848	387,961	1,247,836
1876.....	22,765	320,660	247,448	123,770	276,326	990,974
1877.....	102,901	345,741	232,724	168,344	227,793	1,077,503
1878.....	82,864	333,870	261,778	214,961	154,246	1,047,719
1879.....	131,579	369,228	519,248	256,900	217,184	1,494,139
1880.....	56,985	368,775	429,609	432,754	228,452	1,594,575
1881.....	77,453	368,398	431,472	452,574	193,086	1,522,983

SULPHUR MINES AND TRADE OF SICILY.

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TABLE 1.—*Brimstone export from Sicily during the last 39 years—Continued.*

GIRGENTI—Continued.

Year.	To—					
	Italy.	England.	France.	United States.	Other countries.	Total.
	<i>Centars.</i>	<i>Centars.</i>	<i>Centars.</i>	<i>Centars.</i>	<i>Centars.</i>	<i>Centars.</i>
1882.....	107,052	327,801	370,315	614,785	296,228	1,716,181
1883.....	276,708	293,327	621,646	347,647	256,762	1,796,090
1884.....	138,120	297,947	574,106	578,431	236,900	1,825,804
1885.....	122,455	298,755	420,611	702,747	265,611	1,810,179
1886.....	156,213	236,159	440,081	844,788	234,473	1,911,714
1887.....	119,712	181,857	496,621	671,146	254,071	1,723,407
1888.....	87,871	173,030	347,453	972,075	266,921	1,847,350
Total.....	3,156,194	13,157,410	13,238,747	8,020,000	6,842,968	44,416,119

CATANIA.

1850.....	1,040	30,700	4,251	9,399	13,520	78,910
1851.....	7,825	115,514	7,579	4,004	37,375	172,298
1852.....	13,312	7,350	7,960	6,591	29,380	130,823
1853.....	19,500	143,000	20,800	2,080	43,264	209,144
1854.....	12,168	136,500	13,000	13,000	58,916	240,916
1855.....	4,368	78,514	3,497	4,004	32,669	130,852
1856.....	4,524	105,768	14,508	5,824	57,252	187,720
1857.....	38,064	87,750	51,974	5,915	14,690	164,853
1858.....	4,368	95,680	45,344	312	18,707	198,107
1859.....	9,672	148,954	77,350	46,904	21,848	307,424
1860.....	14,833	89,856	26,377	2,654	50,791	179,350
1861.....	10,088	64,103	37,453	1,261	62,634	179,023
1862.....	90,402	28,080	39,572	7,483	50,232	120,233
1863.....	54,350	49,868	14,846	832	67,574	230,178
1864.....	116,116	89,102	43,108	90,987	90,987	278,379
1865.....	74,424	81,562	25,259	8,122	82,537	316,596
1866.....	105,235	21,809	21,809	11,788	92,729	345,836
1867.....	126,503	110,708	46,020	2,600	99,320	363,883
1868.....	58,734	92,781	26,546	12,909	89,466	348,205
1869.....	121,745	99,814	52,507	9,503	87,880	371,449
1870.....	77,714	101,400	25,090	12,766	111,228	309,228
1871.....	120,705	190,142	85,696	39,390	106,938	499,880
1872.....	234,741	176,267	73,294	21,697	138,658	560,664
1873.....	198,939	186,589			324,649	868,712
1874.....	207,168	122,356	Included in the next column.		239,369	1,044,736
1875.....	252,720	231,543			430,001	1,080,970
1876.....	371,186	191,373	108,251	138,034	600,643	1,376,190
1877.....	422,760	215,927	181,441	311,620	247,572	1,521,338
1878.....	431,951	110,604	222,742	374,374	349,765	1,651,988
1879.....	200,876	152,867	311,441	674,297	339,404	1,441,375
1880.....	175,045	140,478	201,799	516,126	324,876	1,347,749
1881.....	290,576	177,840	82,758	332,440	370,565	1,491,116
1882.....	449,076	153,946	55,588	489,723	488,020	1,509,781
1883.....	481,217	127,868	113,724	358,930	368,861	1,266,857
1884.....	354,250	186,681	55,588	48,971	369,229	1,381,019
1885.....	416,980	127,868	80,492	123,992	700,180	1,552,966
1886.....	412,429	136,810	120,573	183,972	622,745	1,607,125
1887.....	404,039	228,520	157,002	286,850	608,372	1,560,621
1888.....		293,273			465,961	1,607,125
Total.....	6,388,954	5,138,980	2,455,332	4,068,382	6,308,836	26,360,504

TABLE I.—*Brimstone exports from Sicily during the last 39 years—Continued.*

LICATA.

Year.	To—					
	Italy.	England.	France.	United States.	Other countries.	Total.
	<i>Centars.</i>	<i>Centars.</i>	<i>Centars.</i>	<i>Centars.</i>	<i>Centars.</i>	<i>Centars.</i>
1862.....	70,486	169,568	196,124	73,440	92,328	601,950
1863.....	158,844	109,284	150,994	53,800	128,166	601,088
1864.....	113,439	180,142	176,787	58,808	84,260	613,136
1865.....	128,562	133,650	151,007	83,964	119,041	616,224
1866.....	95,160	179,596	174,930	85,910	85,740	621,236
1867.....	169,465	165,828	165,409	65,105	215,262	781,069
1868.....	150,670	147,620	152,820	55,890	114,420	621,420
1869.....	142,420	95,650	140,690	95,650	144,427	619,107
1870.....	130,690	55,960	120,940	110,547	179,470	597,607
1871.....	137,560	45,579	140,309	122,504	159,960	606,812
1872.....	145,985	57,945	109,555	83,462	144,725	541,672
1873.....	104,567	17,650	180,572	122,767	183,678	615,234
1874.....	88,700	6,900	96,450	141,890	160,385	494,225
1875.....	108,400	10,780	164,610	109,960	206,194	599,444
1876.....	109,300	8,200	76,850	114,724	120,189	429,263
1877.....	99,350	7,450	86,760	140,920	122,962	477,442
1878.....	104,650	8,900	97,760	130,326	146,569	488,205
1879.....	77,400	6,819	99,700	140,600	90,960	415,479
1880.....	87,700	6,431	106,400	150,700	121,994	473,225
1881.....	121,361	14,644	124,766	170,487	157,759	589,017
1882.....	124,627	20,664	114,752	206,467	166,110	632,620
1883.....	156,114	100,840	127,738	136,286	199,747	720,725
1884.....	124,740	16,023	130,380	178,076	171,587	620,806
1885.....	161,285	27,342	223,398	180,180	280,296	872,501
1886.....	97,523	38,830	172,796	262,910	377,513	949,572
1887.....	97,681	1,300	102,814	272,103	254,237	728,135
1888.....	118,627	2,600	175,280	366,730	361,579	1,024,816
Total.....	3,225,306	1,636,195	3,760,861	3,712,706	4,609,558	16,944,626

Summary.

WHENCE EXPORTED.

From—	Years.	Total.
		<i>Centars.</i>
Girgenti.....	39	44,416,119
Catania.....	39	26,360,448
Licata.....	27	16,944,626
Total.....		87,721,229

WHITHER EXPORTED.

To—	Years.	Total.
		<i>Centars.</i>
England.....	39	19,932,585
France.....	39	19,454,960
United States.....	39	15,801,888
Italy.....	39	12,770,454
Other countries.....	39	19,761,362
Total.....		87,721,229

As above shown, Catania is, on the long run, the second sulphur-exporting port in Sicily, and the United States represent as the third importing market, but, if we carefully add up Table No. 1 in two operations, that is, from 1850 to 1870 and from 1871 to 1888, we find that the exports from Catania were 4,861,407 cantars during the first twenty-one years, as against 21,499,077 cantars in the last eighteen years, an increase of 16,637,670 cantars, as shown below:

Sulphur exports from Catania.

Countries.	1850-'70.	1871-'88.	Total in 39 years.
	<i>Cantars.</i>	<i>Cantars.</i>	<i>Cantars.</i>
Italy	887,572	5,501,382	6,388,954
Great Britain	1,988,028	3,150,952	5,138,980
United States	167,966	3,900,416	4,068,382
France	604,842	1,850,490	2,455,332
Other countries	1,212,999	7,095,837	8,308,836
Total	4,861,407	21,499,077	26,360,484

As already stated and shown above, the United States represent as the third importing market, while in the last ten years her sulphur imports amounted to 11,328,061 cantars, that is, 4,000,000 more than France, 5,000,000 more than Italy, 7,000,000 over Great Britain, and 2,000,000 over all other countries, as is shown by the following:

Statement of sulphur exports from Sicily for 10 years.

WHENCE EXPORTED.

Ports.	Total.
	<i>Cantars.</i>
Girgenti	17,172,122
Catania	14,795,314
Licata	7,026,896
Total	38,990,332

WHITHER EXPORTED.

Countries.	Total.
	<i>Cantars.</i>
United States	11,328,061
France	7,430,993
Italy	6,056,645
Great Britain	4,876,921
Other States	9,297,712
Total	38,990,332

Statement showing the brimstone exports from 1879 to 1888.

CATANIA.

Year.	Italy.	Great Brit- ain.	France.	United States.	Other coun- tries.	Total.
	<i>Cantars.</i>	<i>Cantars.</i>	<i>Cantars.</i>	<i>Cantars.</i>	<i>Cantars.</i>	<i>Cantars.</i>
1879.....	200,876	152,876	222,742	374,374	339,404	1,521,338
1880.....	175,045	140,478	311,441	674,297	324,896	1,651,988
1881.....	290,576	177,840	201,799	516,126	370,565	1,441,375
1882.....	449,076	153,946	82,758	332,440	488,029	1,347,749
1883.....	481,217	127,868	55,588	489,723	368,861	1,491,116
1884.....	354,250	186,681	113,724	358,930	369,229	1,509,781
1885.....	416,980	127,868	55,588	48,971	700,180	1,286,857
1886.....	411,429	136,810	80,492	123,992	622,745	1,381,019
1887.....	404,039	228,520	120,673	183,972	608,372	1,552,966
1888.....	431,951	293,273	157,002	286,850	465,961	1,607,125
Total.....	3,615,439	1,726,151	1,401,807	3,389,675	4,658,242	14,791,314

LICATA.

1879.....	77,400	6,819	99,700	140,600	90,960	415,479
1880.....	87,700	6,431	106,400	150,700	121,994	473,225
1881.....	121,361	14,644	124,766	170,487	157,759	589,017
1882.....	124,627	20,664	114,752	206,467	166,110	632,600
1883.....	156,114	100,840	127,738	136,286	199,747	720,725
1884.....	124,740	16,023	130,380	178,076	171,587	620,806
1885.....	161,285	27,342	223,398	180,180	280,296	872,501
1886.....	97,523	38,830	172,796	262,910	377,513	949,572
1887.....	97,681	1,300	102,814	272,103	254,237	728,135
1888.....	118,627	2,600	175,280	366,730	361,579	1,024,816
Total.....	1,167,058	235,493	1,378,024	2,064,539	2,181,782	7,026,896

GIRGENTI.

1879.....	131,579	369,228	519,248	256,900	217,184	1,494,139
1880.....	56,985	368,775	429,609	432,754	236,452	1,524,575
1881.....	77,453	368,398	431,472	452,574	193,086	1,522,983
1882.....	107,052	327,801	370,315	614,785	296,228	1,726,181
1883.....	276,708	293,327	621,646	347,647	256,762	1,796,090
1884.....	138,120	297,947	574,106	578,431	236,900	1,825,504
1885.....	122,455	298,755	420,611	702,747	265,611	1,810,179
1886.....	156,213	236,159	440,081	844,788	234,473	1,911,714
1887.....	119,712	181,857	496,621	671,146	254,071	1,723,407
1888.....	87,871	173,030	347,453	972,075	266,921	1,847,350
Total.....	1,274,148	2,915,277	4,651,162	5,873,847	2,457,688	17,172,122

Number of mines in Sicily.

Commune.	No.	Commune.	No.
<i>Province of Girgenti.</i>		<i>Province of Caltanissetta—Continued.</i>	
Recalmuto	44	Mazarino	6
Favara	39	Ricci	5
Comitini	30	Aidone	5
Cianciana	23	Butera	4
Aragona	23	Serradifalco	3
Casteltermini	18	Piazza	2
Girgenti	18	Acquaviya	2
Grotte	15	Barrafranca	1
Licata	12	Pietraperzia	1
Palma	11	Musumeli	1
Naro	10	Total	226
Campobello	7	<i>Province of Catania.</i>	
Cattolica	7	Leonforte	11
S. Angelo Muxaro	3	Agira	9
Cammarata	3	Raddusa	6
Bivona	3	Centuripe	7
Raffadali	2	Assaro	6
Ravanusa	1	Rammacca	3
Siculiana	1	Caltagirone	2
Montelegro	1	Regabbuto	2
Total	271	Total	45
<i>Province of Caltanissetta.</i>		<i>Province of Palermo.</i>	
Caltanissetta	61	Lecrara	25
Castrogiovanni	52	<i>Summary.</i>	
Villaroia	16	Province of Girgenti	271
Montedoro	13	Province of Caltanissetta	226
S. Caterina	12	Province of Catania	45
Calascibetta	11	Province of Palermo	25
S. Cataldo	11	Total	567
Sutera	10		
Sammatino	10		

* In operation, 376; closed up, 191.

VINCENT LAMANTIA,

UNITED STATES CONSULATE,

Consul.

Catania, August 16, 1889.

ST. CLAIR TUNNEL.

REPORT BY CONSUL FARRAR, OF PORT SARNIA.

The construction by the Grand Trunk Railway Company of the tunnel under the St. Clair River between Port Sarnia, Ontario, and Port Huron, Mich., has slowly progressed during the past two years. The undertaking has proved to be difficult and expensive, involving immense outlay of money expended in preliminary and experimental work. The length of the tunnel will be 6,800 feet, of which 2,310 feet will be under the river, 2,160 feet under dry land on the Canadian side, and 2,330 feet under dry land in Michigan. Of the portion under the river 1,500 feet will be nearly level. At either end of this part of the tunnel there will be a gradient rising 1 in 50, or at rate of 105.6 feet per mile, which will be continued through the open

cuttings from the approaches. The total length of the ascent at the Canadian end will be 4,970 feet, and at the American end 4,900 feet. The length of the open cutting at the east end of the tunnel will be 3,270 feet, and at the west end 2,300 feet. The depth of the lowest part of the tunnel below the surface of the water will be $88\frac{1}{2}$ feet. The minimum depth of the top of the tunnel below the bed of the river will be 15 feet. The tunnel will be for single track only. In cross-section it will be circular, with a clear internal diameter of 20 feet. The lining will consist of cast-iron, of which about 6,000 tons have been manufactured and delivered upon the ground ready for use. The construction of the tunnel is being carried on by the company without contractors.

The plant consists of winding engines, ventilating machinery for exhausting foul air, with a capacity of 600,000 cubic feet per hour; steam-pumps, with capacity of 5,000 gallons per minute; electric light plant; shields weighing 60 tons each for the protection of the men at work, hydraulic machinery for propelling the shields, with a power of 3,000 tons each. As the work is progressing from both sides of the river all work is in duplicate.

The advantages to be gained by the construction of the tunnel are a reduction of the expense and time of transporting trains, and a degree of regularity in the service not attainable by ferry in consequence of the river being obstructed by ice in winter and by vessels during the season of navigation. The tunnel is being built at this particular point for the following reasons: The comparatively shallow depth of water at the proposed crossing; the tunnel and its approaches can be constructed on the same straight line; the short length of new railway that will be required for all practical purposes; the tunnel approaches connect immediately with the main lines of both the Grand Trunk and the Chicago and Grand Trunk railways; the favorable material in the bed of the river, the borings showing that the rock is from 90 to 95 feet below the surface of the river and that it is overlaid with clay.

The tonnage passing up and down the river is estimated to be nearly five times as much as that passing through the Suez Canal. The necessity of a tunnel is shown by the immense amount of traffic that is annually carried on across the St. Clair River in connection with the Grand Trunk Railway. During the year ended June 30, 1889, 184,000 through cars and 13,500 local cars were transferred by ferries here, making a total of 197,500 cars that passed over that year. This is an average of over 541 cars per day, including Sundays, or about 22.6 cars per hour, which is equivalent to the crossing of a boat-load of cars every forty-eight minutes.

The total cost of the tunnel is estimated at \$2,500,000, of which the company has been granted a subsidy of \$375,000 by the Dominion Government. The present pay-roll averages about \$9,000 per month.

It is expected that this great work will be completed by the last of the year 1890.

J. S. FARRAR,
Consul.

UNITED STATES CONSULATE,
Port Sarnia, August 20, 1889.

COMMERCE AND INDUSTRIES OF DUTCH INDIA.

REPORT BY VICE-CONSUL WOOD, OF BATAVIA.

In presenting the following data indicative of the position of affairs in this colony it may be stated that reference has been made more especially with respect to Java, because, although of less area than the other isles, collectively taken, it is the most important as regards population and revenues, and, moreover, transacts about 90 per cent. of the trade of the archipelago. This fact will become apparent from the following statement.

STATISTICS OF DUTCH INDIA.

Java (and Madura): Area, 2,411 geographical square miles; population, 22,430,043, comprising 41,638 Europeans, 22,139,624 natives, 232,683 Chinese, 13,205 Arabs, and 2,893 other orientals; revenue (1886), \$34,787,898; imports (1886), \$30,353,957; exports (1886), \$47,499,556. Other islands: Area, 27,821 geographical square miles; population, 6,372,128; revenue (1886), \$6,982,146; imports (1886), \$14,788,106; exports, \$19,569,664.

CAUSES OF BUSINESS DEPRESSION.

Regarding the stagnation in business at present prevailing, it may be said that the general depression experienced in commerce throughout the world has been severely felt by the people here, especially since there has resulted therefrom such a fall in prices for about all of Java's principal staples that trade in them is now attended with scarcely any profit whatever; which circumstance must be attributed in part, however, to the disastrous effects of certain diseases with which some of the chief cultures have been afflicted. It is to be borne in mind, as in a measure explanatory of this state of affairs, that, with the exception of some rice, kapok, hides, pepper, and forest produce, such as gum and rattans from neighboring islands, at a yearly valuation of, say, 5,000,000 florins, all the chief exports—sugar, coffee, indigo, tea, tobacco, tin, and arrack—are due to European capital and enterprise aided by salaried native labor; for native industry is almost exclusively confined to the cultivation of food grains and of sufficient cotton to supply the looms of the women, who provide, in part at least, for the clothing of the family. There are, accordingly, no other industries of any importance with the exception of a couple of workshops in the chief towns and others, in certain places in the interior, where repairs to machinery may be effected, and also several establishments for the manufacture of ice for local consumption. Therefore, it will become evident why the strict economy necessarily practiced by European planters in the matter of wages and other expenses upon their estates, in order to meet their liabilities, has occasioned distress in many districts by limiting the means of livelihood of their inhabitants and, too often, by depriving many of their employment. Thus the lack of prosperity among Europeans has accordingly had an immediate and serious effect upon

the general welfare of the island during the past few years. It is true that the crops of rice and of other food grains have been plentiful, and that part of the population has consequently been benefited by the low prices prevailing therefor; yet, on the other hand, this very abundance has proved a source of distress to many in the absence of other salable products, since rice serves not only as an article of food, but also as a medium for barter for the other necessities, such as clothing, household effects, utensils, land, and beasts of burden. Again, the land rent and other direct taxes are payable in money and not in produce, and, as a result, when no buyers are to be found recourse must be made to the sale of his property and live stock, should the native, with his usual improvidence, have no savings with which to meet these dues. For the past two or three years, indeed, it seems that the tax-gatherers have had to redouble their efforts to collect the sum required; and many natives, who were unable to pay the assessment, suffered the loss of property, and even of their buffaloes, without which it is impossible to till the rice fields. No relief can be afforded them by the Government, as it is itself struggling with a yearly deficit which has, since 1875, been a feature of the budget, due to the expenses of the Acheen war, still in progress in northern Sumatra; of the extensive railway and harbor works; and of the measures for the suppression of the cattle disease, now amounting to about 340,000,000 florins; though, in justice, it must be added in this connection that up to that date all debts had been paid off in full from the surpluses of the forty previous years, of about 750,000,000 florins in all. It is probably due to the above circumstances that, though a reduction of taxes has been deemed necessary since 1884, there seems to be no present intention of decreasing them. For instance, the land tax of 18,845,000 florins for that year was 1,688,000, or 10 per cent. above that levied for 1883; and, though lowered by 26,000 florins, 166,000 florins, and 105,000 florins, or 297,000 florins in all—at most $1\frac{1}{2}$ per cent.—for the three years following, the amount is still 1,395,000 florins in excess of the sum required six years ago, while the estimate for the budget for 1888 is again made for 19,300,000 florins.

As the culture system introduced in Java about sixty years ago, by which the natives were compelled to devote one-fifth of their lands and one-seventh of their labor to the culture of products suitable for the European markets, under the supervision of Europeans on account of the Government, has proved, though vastly remunerative to the authorities, at variance with the best interests of the native communities, the cultivation of indigo, tea, cannell, cochineal, tobacco, and pepper on account of the Government has been abandoned, and there remains only the sugar and coffee systems worked on this principle, which in the case of sugar will also cease in a couple of years.

In the commercial crisis under consideration it was the sugar interests alone which seemed to be seriously in question in the beginning, and the Government accordingly came to its relief and afforded efficacious aid to the planters. Up to 1883 this industry was very prosperous, on account of the high prices paid by exporters who were rival bidders for the Java crop.

The high rates acted as a powerful stimulus upon the development of the industry, which gradually became the important factor in the prosperity of the colony. Much capital was therefore invested in new appliances intended to replace the old-style mills, and during the decade preceding 1883 more than fifty new establishments were constructed on a scale to place the Java industry on a par with that elsewhere. It is stated by Mr. Van den Berg, to whom I am indebted for this information, that, whereas the sugar production of 1871 did not exceed 2,725,000 piculs, that for 1884 amounted to 6,413,248 piculs, a result which is the more satisfactory since it was obtained without any assistance from the Government with respect to the new mills. When the great fall in prices, due to the beet-root sugar industry, came in 1884, the position of the majority of the mill owners became critical, because many banks and other financial institutions which were in the habit of lending money to the planters for working expenses experienced serious reverses as soon as it became evident that, because of their great interest in the sugar industry, they were menaced in their own credit.

It was evident that the sugar interests could no longer be burdened with the tribute exacted by the Government under the terms of contract with most of the planters. At first, the only relief given was a diminution of the export duty, but later the entire tax was removed, while the tax on plantations carried on on private account of 25 guilders per bouw of $1\frac{2}{3}$ acres each has been temporarily suspended, and a delay of five years has been given in the payment of 50 per cent. of the tribute levied upon canes planted according to contract with the Government, though all estates paid full taxes until 1886. Since that time an improvement has been noticed in their condition, one enterprise having, it is stated, realized a profit of 100,000 florins during last year, while the reported short beet crop and the comparatively high prices ruling thus far this year promise an equally favorable return for 1889. In 1884 this article sold for 15 florins per picul of 136 pounds, while in 1887 it was not worth more than 8 or 9 florins per picul. This fall in prices has, of course, had an effect on the circulation of capital. Computing the average production at 5,000,000 piculs, it results therefrom that this fall of 6 florins per picul has withdrawn from circulation a capital of 30,000,000 florins. This loss is felt not only by the planters, but also by the thousands of native workmen whose employment has ceased upon the closing of the mills, which were unable to offer sufficient guaranties for the payment of the annual loan of from 200,000 to 300,000 florins.

This gradual impoverishment of the people did not at first extend beyond the sugar districts, but when the effects of the leaf diseases upon coffee and tea, as well as that of the "sereh" disease of sugar-canes, caused an abandonment of plantations in whole or in part in middle and western Java distress invaded all sections. The prices realized on the former products went far to ameliorate this condition of affairs, but this gain did not compensate for the loss entailed by the small crops of coffee.

Since 1885 the planters' banks have suspended payments, in order to avoid failure, and other financial houses as well exhibit great care in making loans to those plantations only which show evidences of economy and able administration, and leave others to their fate. Credit seems closed to new enterprises, and funds from private sources are not obtainable, as people are unwilling to incur greater losses than those already resulting from investments in banks and trading companies. Money in deposit is therefore accumulating, values are falling, and trade is becoming slack. Real estate finds buyers at low prices only, and mortgages which seemed fully covered three years ago are no longer so considered. The Java Bank, even, the only financial institution receiving governmental privileges, was compelled of late to have recourse to its reserve fund to pay the 6 per cent. guaranteed by statute to the shareholders. The Society for Commerce of the Netherlands, one of the most important of the trading companies here, with a capital of millions of florins, has continued to withdraw from commercial enterprises and to restrict its banking business. These consist in loans on colonial produce, chiefly, however, sugar and coffee. While these advances were made to the extent of three-fourths of the real value of the article the operation was remunerative, but when, in 1887, in order to sustain the market, almost all financial houses (the Java Bank excepted) discounted the full value of the stock on several occasions, they thus assumed all responsibility for the merchants, and succeeded only in giving rise to a false speculation whose direct result has been to render the colonial export, already sorely tried in preceding years, more risky and perilous. This effect is the more to be regretted as the conflict with the falling prices in Europe can not be regarded as an equal one.

IMPORTS.

The figures given for imports indicate an increase in the consumption of woolen goods, cotton yarns, bars of steel, sheet-copper, lead, teas, flour, butter, cheese, beer, gin, coal, glass, colors, and soap. The fact that the revenues from customs duties for 1887 were 485,923 florins below the amount (8,531,571 florins) collected during the previous year would imply a demand for the cheaper lines of goods. Difficulties in this branch of commerce have increased of late, because of the sharp competition among merchants, the small revenue from the sale of rice and of Government coffee, and through the general impoverishment of Europeans, officials as well as others, which prevents them from making much outlay for other than necessities. The rivalry existing between the importers of different European nationalities, especially as regards the English and Germans, has become more marked of late, now that the number of profitable lines of imports has decreased, since it is only upon well-known brands and trade-marks that extensive business can now be done.

Cotton manufactures form the chief import, though for the past two years inferior qualities only have been sold at good bargains, while others have remained in stock. For some houses the business yielded a fair return, but

the majority considered themselves fortunate in covering the running expenses, which have now been reduced to about 5 per cent. of the value of the articles, whereas formerly they reached 20 per cent. thereof, and were often even in excess of this amount. An improvement in this trade has, however, been noticeable of late, which is to be ascribed, doubtless, to a betterment in the condition of the population, arising, probably, from the favorable turn of affairs before noted in the export interest.

CHINESE MIDDLE-MEN.

It is questionable whether this change will at once redound to the advantage of the Europeans, since the natives do not deal directly with the importers, but rather through the agency of the Chinese and Arab shop-keepers and peddlers. It therefore happens only too frequently that when these middle-men have received the goods on long credits of six or nine months (for even in so-called cash transactions at least thirty days grace are usually demanded) they sell the merchandise, and at the expiration of this period either refuse to make full payments as stipulated or become bankrupt. Should there be a contract, however, as is ordinarily the case, the Chinaman profits by every possible plea to postpone or evade a settlement, or to force his creditors to consent to a partial discharge of the debt, who, in most cases, prefer to submit to the loss thus resulting rather than to suffer the great expense and delay which collection by legal process always entails. Endeavors which have been made to prohibit the employment by Chinese of their language in keeping their business books and accounts have failed, though all these tradesmen speak and write Malay perfectly, while many, too, have a fluent command of Dutch. This result is perhaps not surprising when their united effort, due to their laws, tongue, business ability, trusts, syndicates, and secret societies for mutual aid, is contrasted with the divisions in the community of Europeans, the fierce competition rife among them, and their inability to take joint action for their common interest. Englishmen transact the bulk of their business in general lines, such as cotton manufactures, machinery, and the like, while the Germans have also established branch houses of firms in Europe, whose cheap goods, adapted to popular taste, achieve rapid and remunerative sale.

TRADE WITH THE UNITED STATES.

The exports to and imports from the United States, with the exception of coffee and petroleum, are indicative of little else than the lack of direct communication, since merchandise is usually credited in statistics to the last port of shipment or the first of arrival, Singapore, therefore, figuring largely as a center of production and consumption throughout. Fifteen years ago, however, when vessels were sent hither from New York with ice, a consignment of flour, canned goods, fruits, furniture, time-pieces, drills, household utensils, and miscellaneous articles was also included in the cargo, and found here a profitable sale. The same experiment might be tried with the oil vessels were it not that they usually call here for orders only. It has been suggested that it would be profitable to send a small sailing vessel with a

similar cargo to the free port of Macassar and receive coffee for the return trip, since petroleum renders vessels unfit for several months after discharge to receive coffee and sugar.

American flour was formerly imported, but the Hungarian product has now taken its place.

Though the price of American sewing-machines is double that charged for the German article they are nevertheless meeting with an increasing sale.

High first cost, the expense of transshipment, either in Holland or at Singapore, the cash or short credit basis of transactions, and the absence of samples are considered to be hindrances to a general trade with the United States, though, it must be confessed, canned goods, time-pieces, and cotton drills are imported with profit, notwithstanding these drawbacks, the first article especially being disposed of in very large quantities.

American petroleum continues to monopolize the market despite the effort made to introduce the Russian oil in December last. The latter product sold well at first, but dealers found it difficult to dispose of the last of the consignment. It is probable that the experiment will not soon be repeated, since importers prefer the facilities offered at New York for sending shipments by sailing vessels, and thus affording a period of between three and four months for speculation, to the unfavorable and exacting conditions, especially as regards the discharge of the cases, under which contracts for cargoes by steamer of the Russian kerosene must be effected through London. Again, they dispose of the oil to the Chinese trust, which controls the storage facilities in the warehouses specially constructed for its reception, dictates terms to the retail trade, and is at present satisfied with the profits from the American article, since its retail price was 1 florin higher last year than in 1887. The prices for 1888 were as follows, per case:

Prices.

Month.	Batavia.	Sourabaya.	Samarang.
	<i>Florins.</i>	<i>Florins.</i>	<i>Florins.</i>
January.....	5.20	5.00	5.20
April.....	4.85	4.20	4.45
July.....	5.00	4.85	4.60
October.....	5.00	4.85	4.75
December.....	5.50	5.50	5.50

Destination.

Whither.	1884.	1885.	1886.	1887.	1888.
	<i>Cases.</i>	<i>Cases.</i>	<i>Cases.</i>	<i>Cases.</i>	<i>Cases.</i>
Java.....	1,995,050	1,557,585	2,506,922	1,980,081	1,996,380
Padang.....		78,981	92,548	62,945	115,339
Macassar and Amboina.....	28,306	27,150	28,639	38,333	65,069
Menado.....				14,000	
Banjarnassing.....	16,850	20,000	15,000	19,878	14,000
Palembang.....					15,000
Banda.....					7,825
Total.....	2,040,206	1,683,716	2,643,109	2,115,237	2,213,613

Brands.

Description.	1884.	1885.	1886.	1887.	1888.
	<i>Cases.</i>	<i>Cases.</i>	<i>Cases.</i>	<i>Cases.</i>	<i>Cases.</i>
Devoe.....	1,899,643	1,439,173	1,863,331	2,361,836	1,086,519
Stella.....	135,407	118,412	455,274	367,993	513,798
Chester.....			188,317	223,142	613,296
Star.....				27,110	

MINES AND MINERALS.

The losses attending investments in agriculture have directed attention to the mineral riches of the archipelago. These have been carefully surveyed by Government officials and private persons during the past few years, with the result that energetic endeavors are now being made to develop these resources. Concessions are accordingly given by the Government, or by the native princes subject to its approbation, foreigners residing in Netherlands India or Holland sharing the same privileges as Dutch subjects enjoy in this regard. The chief concessions are:

(a) Panggoul, in Patjitan, residency of Madioen, South Java, issued in 1887; fine marble quarries.

(b) Fonisari, Preanger residency, West Java, issued in 1887; excellent coal mines worked with favorable result.

(c) Koetia, sultanate of Koetia, East Borneo, issued 1886; coal mines in operation.

(d) Gounong Lawah, Martapoura district, Southwest Borneo; gold, diamonds, and platinum veins. Coal has been mined with satisfactory results, but a lack of capital has arrested operations.

(e) Billiton, Billiton Island, issued 1852; average output of tin is 85,000 piculs a year.

(f) Siak, sultanate of Siak, issued by Sultan, 1887; tin is mined with good returns.

(g) Sinkep, Sinkep Island, given by Sultan in 1887; tin mines will be opened in 1889.

(h) Batjou, throughout the Moluccas, issued by the Sultan in 1882; embraces all mineral operations as well as agricultural enterprises; former not yet opened.

Petroleum wells. — Langkat, sultanate of Langkat, Northeast Sumatra, issued in 1883; petroleum well bored to a depth of 135 meters yielded an abundant flow, but insufficient for practical purposes. A second well is now being bored to a depth of 300 meters. In the residency of Sourabaya a Dutch engineer who has had several years' experience in the American oil fields has bored for oil and obtained satisfactory results. At Wonokromo, about 4 miles from Sourabaya, the wells yield a mass of oil, asphalt, and other substances, but in small quantities only. The prospector has refined about 200 gallons daily while experimenting with respect to the cost of production,

and the oil was found to burn with a clear, white light. The process is too expensive at present, but inasmuch as a concession has been asked from the Government it is possible that more productive sources have been discovered. The liquid now obtained might, however, be used to advantage in the sugar-mills.

Sodium is also found in this residency in such quantities that a company has been formed to engage in its exportation.

STEAM COMMUNICATION.

Exports to Holland are effected by the Rotterdamsche Lloyd, a mail line leaving every fortnight for Rotterdam via Suez and Marseilles, and by the Nederlandsche Stoomvaart Mattschappij, also leaving semi-monthly with the mails via Genoa. During the course of last September the Italian Government, on petition of an Italian merchant here, made a contract with this line to stop at Genoa rather than at Marseilles, and now pays an annual subsidy of 300,000 lire with the understanding that the freight on Italian wines to Batavia shall not exceed 45 lire per 100 kilograms from Genoa. The effect on its trade has already been marked. In order to secure lower freight rates and more rapid communication with English ports a consolidation has been made this year of the Holland Steam-ship Company and the Queensland Royal Mail under the name of the Java Agency Company, at this place.

RATES OF EXCHANGE.

The course of trade during the past year may, however, be stated in a brief reference to the variation in the rates of exchange for that period. As regards that on Amsterdam, Batavia is the certain and Amsterdam the uncertain. The rate of $101\frac{3}{4}$ shows that 100 florins, Netherlands India currency, at six months from date is the equivalent of $101\frac{3}{4}$ of Holland specie. At this rate a bill of exchange of Amsterdam of 100 florins, Holland currency, brings 98.28 florins in Batavia. It is for this reason that the exchange of $101\frac{3}{4}$ is in reality lower than that of 100; since at this figure a bill of 100 florins of Amsterdam, in Holland currency, would bring 100 florins in Netherlands India currency. Exchange on London, on the contrary, shows the value in Netherlands India currency which must be paid at Batavia to procure a letter of exchange on London of £1 sterling. Bank paper is quoted in the tables following, because private bills are regularly from 1 to $1\frac{1}{2}$ per cent. lower. Since June, 1888, the tenders of bills of exchange have far exceeded the demand, with the result that the importations of specie from the metropolis, which had nearly ceased since 1876, have commenced on a scale unknown before, a total of 8,690,000 florins in silver having been imported on account of the private banks during the last seven months of 1888.

Rates of exchange in Batavia during 1888.

Month.	On —					
	Amsterdam.		London.		Singapore.	
	High.	Low.	High.	Low.	High.	Low.
	<i>Florins.</i>	<i>Florins.</i>	<i>Florins.</i>	<i>Florins.</i>	<i>Florins.</i>	<i>Florins.</i>
January	101½	102½	11.82½	11.75	1.90	1.88½
February	101½	101½	11.86	11.82½	1.89	1.87½
March	101½	101½	11.85		1.88	1.85½
April	101½	100	11.85		1.83½	1.82
May	101½	102½	11.85	11.77½	1.83	1.80
June	102½	102½	11.80	11.77½	1.82½	1.80
July	100½	100½	11.80	11.75	1.83½	1.81
August	100½	100½	11.78½	11.70	1.83	1.81½
September	102½	102½	11.70	11.67½	1.89½	1.82½
October	100½		11.70	11.67½	1.87½	1.87
November	100½	100½	11.67½		1.85½	1.84
December	100½	100½	11.70	11.67½	1.85½	1.84½

Exchange of coin for 1888: English sovereigns, 12.40 to 12.10 florins; Mexican piasters, 1.80 florins; Napoleons (20 francs), 10 to 9.50 florins; ducats (Dutch), 6.40 florins.

HORATIO G. WOOD,
Vice-Consul.

UNITED STATES CONSULATE,
Batavia, May 29, 1889.

FOREIGN TRADE OF THE ARGENTINE REPUBLIC.

REPORT BY CONSUL BAKER, OF BUENOS AYRES.

The trade returns of the Argentine Republic for the six months ending June 30, 1889, have just been published by the national statistical office. I compile from them the following table, which gives the importations into this country for the half-year, compared with the same period of 1888, as follows:

Imports.	1888.	1889.
Paying duty	\$50,097,715	\$57,703,583
Free of duty	9,763,503	13,943,896
Gold	3,822,583	3,947,262
Total	63,683,801	75,594,741

The exports for the half-year are stated as follows:

Exports.	1888.	1889.
All free of duty	\$57,781,047	\$66,389,840
Gold	3,587,872	24,135,199
Total	61,368,919	90,525,039

This is an increase in imports of \$11,910,940 and an increase in exports of \$20,956,120. Were these exports the legitimate products of the country the increase would be a most gratifying circumstance. Unfortunately, however, it will be seen that more than this entire increase is nothing more than the drainage of gold from the country to pay the large balance of trade against the Argentine Republic of the previous year. And the apparent excess of imports over exports for the six months, amounting to \$14,730,298, is a mere fiction, as the imports actually exceed the legitimate exports by \$9,204,901, and to meet which balance of trade there must be a still further drainage of gold.

ARGENTINE TRADE BY COUNTRIES.

The distribution of the imports and exports for the half-year is given as follows :

Countries.	Imports.	Exports.	Total.
South Africa.....		\$3, 332	\$3, 332
Germany.....	\$7, 500, 150	11, 193, 322	18, 693, 472
West Indies.....		605, 760	605, 760
Belgium.....	6, 341, 920	10, 225, 606	16, 567, 526
Bolivia.....	33, 749	225, 225	258, 974
Brazil.....	1, 041, 513	6, 376, 463	7, 417, 976
Chili.....	20, 049	1, 818, 129	1, 838, 178
Spain.....	2, 365, 266	1, 446, 218	3, 811, 484
United States.....	5, 861, 843	3, 726, 838	9, 588, 681
France.....	12, 858, 981	22, 934, 482	35, 793, 463
Italy.....	4, 466, 883	1, 463, 218	5, 930, 101
Holland.....	361, 558		361, 558
Paraguay.....	692, 481	294, 574	987, 055
Portugal.....	21, 106	89, 249	110, 355
Great Britain.....	25, 441, 233	16, 451, 327	41, 892, 560
Sweden and Norway.....	20, 433		20, 433
Uruguay.....	6, 749, 382	11, 916, 204	18, 665, 586
Not classified.....	1, 818, 194	1, 755, 092	3, 573, 286
Total.....	75, 594, 741	90, 525, 039	166, 119, 780

Great Britain continues her supremacy more emphatically than ever, with France also far in the lead of all the other countries. The two together nearly divide the entire trade of the Argentine Republic. As usual, a large percentage of what is credited to Uruguay really belongs to Great Britain, being only transshipments of cargoes which came from that country. While the trade with the United States has really increased, our relative position as fifth in the category continues the same. Both Germany and Belgium also show a considerable increase in their trade, especially the former, which now occupies the third place in the category.

ARGENTINE IMPORTS BY ARTICLES.

The following table shows the importations in categories for the six months ending June 30, 1889, compared with those for the same period in 1888:

Category.	First six months in —	
	1888.	1889.
Live stock.....	\$134,280	\$57,173
Articles of food.....	6,314,026	8,168,520
Liquors.....	5,884,646	7,250,755
Tobacco.....	838,141	814,151
Textile fabrics.....	11,735,045	11,741,421
Ready-made clothing.....	4,616,516	4,047,741
Drugs and chemicals.....	2,104,794	2,111,737
Lumber and furniture.....	4,203,393	5,231,900
Paper and books.....	1,548,705	1,702,093
Leather, boots, and shoes.....	882,061	1,126,370
Iron and its manufactures.....	7,509,414	10,069,177
Materials for public works.....	6,683,522	9,037,628
Various metals and their manufactures.....	5,046,594	5,605,710
Glass and earthen ware.....	2,907,977	2,703,499
Coal, coke, kerosene, etc.....	1,647,448	3,318,322
Various manufactures.....	1,627,239	2,608,549
Total.....	63,683,801	75,594,741

This increase, as is apparent from the figures, is principally in articles of food, liquors, lumber, iron manufactures and materials for railways, tramways, etc., and coal and kerosene. In nearly all the other categories, the condition is quite stationary. Analyzing the table still further, we give the following figures to show the special articles in which there has been an increase:

Articles.	1888.	1889.
Olive-oil.....tons...	1,833	3,075
Refined sugar.....do.....	8,206	16,338
Dried fish.....do.....	581	809
Beer, bottled.....dozens...	138,756	222,481
Yermouth.....do.....	30,144	40,602
Wine in casks.....liters...	22,409,896	31,460,822
Pine lumber.....square meters...	5,961,930	8,071,097
Wire for fencing.....tons...	11,313	20,522
Iron (unmanufactured).....do.....	25,093	55,479
Railway materials.....dollars...	5,769,442	7,500,726
Sugar-mill materials.....do.....	.....	159,029
Jewelry.....do.....	216,765	395,355
Tin, unmanufactured.....tons...	700	1,120
Zinc, unmanufactured.....do.....	483	880
Hydraulic cement.....do.....	10,042	25,670
Kerosene.....liters...	6,158,957	10,170,949
Coal.....tons...	120,213	283,127

CLASSIFICATION OF ARGENTINE EXPORTS.

The exports from the Argentine Republic for the half-year, compared with the corresponding period of 1888, are given as follows:

Category.	1888.	1889.
Pastoral products.....	\$42,943,192	\$55,067,320
Agricultural products.....	9,733,646	3,691,593
Industrial products.....	3,213,464	5,523,994
Forest products.....	388,281	400,144
Mining products.....	761,807	1,036,354
Game products.....	170,036	99,197
Various articles.....	4,158,493	24,706,437
• Total.....	61,368,919	90,525,039

In the category of "various articles" is included \$23,764,133 as the exports of gold. If we deduct this, which is an efflux rather than an export, we have the total exports for the half-year reaching to \$66,760,906, against \$61,368,919 for the same period in 1888, an actual increase of \$5,391,987; and this in spite of the fact that there was a decrease of \$6,042,053 in the exports of agricultural products. This decrease is explained by the general failure of the crops, owing to the very wet weather just before the harvest last season. The decrease in the figures will be seen from the following table, which shows the shipments of agricultural products for the first six months of this year compared with the corresponding period of 1888:

Articles.	1888.	1889.
	Tons.	Tons.
Linseed.....	36,589	18,587
Indian corn.....	109,694	50,621
Pea-nuts.....	1,253	30
Wheat.....	138,293	10,271
Flour.....	3,722	1,639

The season, however, was an exceptional one, and although it was very discouraging, considering the efforts which have been made to render this more and more an agricultural country, yet so general a failure is scarcely likely to occur again very soon. Indeed, a larger breadth than ever before is already sown in wheat and corn for the coming harvest.

The principal item of increase in the exports has been, during the last half-year, in the article of wool. Compared with the same period of 1888 the increase was as follows:

Exports to June 30—	Quantity.	Value.
1889.....kilograms...	109,060,498	\$41,988,291
1888.....do.....	104,567,998	31,370,398
Increase.....do.....	4,492,500	10,617,893

There was a decrease of 2,137,520 kilograms in the shipments of sheep-skins, though an increase in the value of \$268,081.

The exports of cattle on the hoof were 96,376, against 67,963 head in 1888; and 9,884 mules, against 4,146 in the same period in 1888.

The exports of frozen sheep carcasses were 7,456,154 kilograms, against 8,074,993 for the same period in 1888, a decrease of 618,839 kilograms. In other respects there is nothing of particular interest in the returns of exports.

REVENUE RECEIPTS.

The duties and other sources of revenue during the first six months of the present year, compared with those collected during the corresponding period of 1888, were as follows:

Revenues.	1888.	1889.
Duties on imports.....	\$18,980,308	\$26,172,768
2 per cent. additional.....	500,977	577,035
Total duties.....	19,481,485	26,749,803
Other sources of revenue.....	1,068,337	1,398,167
Total.....	20,549,822	28,147,970

As the total amount of revenue collected in 1888 was \$43,134,385, the present figures would indicate the prospect of a very considerable increase for the current year.

OUTLOOK OF TRADE.

The trade of the country continues to be buoyant, and importers, owing to the ease with which they can buy on credit, seem to pay no attention either to the increasing premium on gold or to the hardening rate of exchange. The premium, with reference to the Argentine national dollar, has now reached to 85 per cent., and the rates of exchange are as follows: On London, 46½*d.*; on Paris, Antwerp, and Hamburg, 4.95 francs; and on the United States no quotations. About six months ago the Buenos Ayres Exchange was, by order of the minister of finance, closed to all transactions in gold on the hypothesis that if the sales were stopped the premium would be at once arrested, if indeed it did not go down. It was like attempting to stop permanently a running stream by putting a dam across it. The increasing demand only gave an increased impetus to the advancing rate, and from 57 per cent. premium, at which figure the gold quotation was resting when the decree was issued, it has been steadily rising ever since; and this in spite of the fact that to ease the market and satisfy the demand the National Government has been selling out a large proportion of its gold reserves.* In this unpromising state of affairs the minister, seeing the futility of his scheme to reduce the premium on gold, has just sent in his resignation, and with a change in the head of that department it is believed that the sales of

* In five months the Government gold reserve was reduced, according to the minister's showing, from \$47,866,486 to \$20,307,918 by private sales to meet the demand for exchange

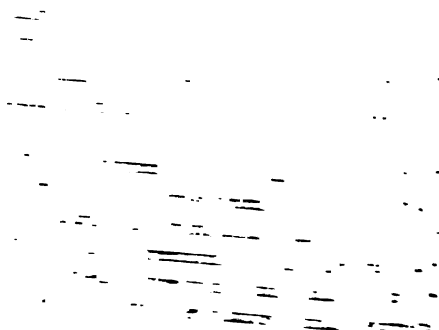
The exports fit with the correspo

Pastoral products.....
Agricultural products.....
Industrial products.....
Forest products.....
Mining products.....
Game products.....
Various articles.....
• Total.....

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The system of selling out the various revenue districts to speculators for round sums was found more advantageous to the Government than the previous one of getting the revenue from the several collection districts through native channels to Peking, and now that the system of employing the Imperial Maritime Customs (composed chiefly of, and wholly managed by, foreigners of various nationalities, under the efficient and admirable plan of strict accountability and no leakages) has demonstrated the superiority of the foreigners' treatment of revenue over the native syndicates' system of revenue on imports and exports it is probable the revenue system adopted at Canton, Kowloon, and Lappa, for the same regulations to be applied to both native and foreign vessels, will soon be extended to other ports.

In the meantime, and until the imports and exports by native junks and foreign ships are brought under our revenue system, the trade returns will lack completeness and accuracy.

IMPORTS.

The total value of imports in 1888 at Canton, per foreign ships, and at the two custom-houses of Kowloon and Lappa, per native junks, amounted, in United States gold, as follows:

Canton:	
Foreign imports per foreign ships.....	\$14,138,483
Foreign imports per native junks.....	22,945,823
Native imports per native junks.....	8,398,828
Native imports per foreign ships.....	11,501,602
Total Canton imports.....	56,984,736
Luctow:	
Foreign imports in foreign ships.....	9,044,000
Native imports in foreign ships.....	8,420,000
King-Chow:	
Foreign imports in foreign ships.....	1,491,000
Native imports in foreign ships.....	285,000
Pakhoi:	
Foreign imports in foreign ships.....	3,800,000
Native imports in foreign ships.....	285,000
Estimated imports in junks at these three ports.....	23,000,500
Total imports of Kwang-Tung province.....	103,310,236

The port of Lung-Chow, on the Southern frontier of Kwang-Tung, is not included. The custom-house at that port was so recently established that no returns of its traffic have yet appeared.

EXPORTS.

The total value of exports in 1888 from the province of Kwang-Tung was \$63,500,000.

CANTON AS A TRADE CENTER.

The total value of trade in 1888, including imports and exports, of the province of Kwang-Tung, was over \$166,000,000, United States gold, or fully one-third of the imports and exports of the Chinese Empire, and clearly

establishes the fact that Canton is incomparably the wealthiest city in China. Canton funds are employed in moving the tea crop of the Yang-tsze valley to market, and seeks investment in the commerce of the various ports on the Chinese coast and in the cities and countries between China and India, and northward as far as Yokohama. Chinese compradores, from Canton, handle much of the money, and are, as in Hong-Kong and other cities of the East, indispensable in commercial and financial circles, as seen in the business arrangements of the substantial foreign merchants and bankers, who can not dispense with the Canton comprador.

NAVIGATION.

Foreign.—The foreign tonnage, in and out, reported by the Imperial Maritime Customs for 1888 at the following four ports was—at Canton, 2,719,562 tons; at Swatow, 1,468,297 tons; at King-Chow, 297,704 tons; at Pakhoi, 101,026 tons.

Junks.—The only reports of arrivals and departures of native junks came from Kowloon and Lappa, which numbered 58,684 at the passes between the islands, near Hong-Kong and Macao, en route to and from Canton. At the three other ports of Swatow, King-Chow, and Pakhoi their population would not vary much from that of the foreign tonnage, and would thus be about three-fourths of the number of Canton, Kowloon, and Lappa junks, or about 44,000 junks, in and out.

This estimate, with the returns, shows about 100,000 arrivals and departures of coasting or sea-going junks for the province of Kwang-Tung.

PRINCIPAL IMPORTS.

The custom-house officials' returns (omitting junk traffic at three ports) show that during 1888 the province of Kwang-Tung imported of foreign and native commodities, as follows:

Articles.	Amount.	Articles.	Amount.
Cotton yarn, mostly from India.....	\$9,612,600	Wheat, native.....	\$771,000
Cotton manufactures, foreign.....	3,062,640	Flour, American.....	510,000
Cotton, raw, Indian and native.....	2,040,000	Timber and lumber.....	200,000
Rice.....	14,600,000	Tobacco, native.....	285,000
Opium from India.....	13,762,000	Dyes, foreign.....	260,000
Beans from Northern China.....	7,500,000	Rattans, native.....	285,000
Fish and marine food.....	2,276,500	Samshu (native rice whisky).....	270,000
Medicines (mostly native) and ginseng...	1,750,000	Saltpeter, native.....	250,000
Metals and metal goods.....	1,640,000	Matches, foreign.....	215,000
Salt, native.....	1,160,000	Beetle-nuts, native.....	185,000
Wool and worsted goods, foreign.....	1,100,000	Bamboo, native.....	180,000
Kerosene, chiefly American.....	700,000	Coal, foreign and native.....	160,000
Native oils.....	600,000		

Principal exports.

Articles.	Amount.	Articles.	Amount.
Sugar, mostly from Swatow.....	\$8,000,000	China-ware.....	\$642,000
Silk goods, mostly from Canton.....	7,500,000	Dried fruits.....	550,000
Raw silk, mostly from Canton.....	7,000,000	Cloth shoes and boots.....	500,000
Tea, mostly from near Canton.....	2,100,000	Samsu.....	500,000
Fire-crackers, mostly from Canton.....	1,460,000	Cassia.....	436,000
Paper, mostly from Canton.....	1,870,000	Indigo.....	408,000
Clothing, mostly from Canton.....	1,861,000	Glass beads, bangles, etc., for India.....	385,000
Matting, mostly from Cotton.....	1,670,000	Umbrellas.....	374,000
Fans, mostly from Canton and Swatow.....	1,207,000	Joss sticks, etc.....	327,000
Figs, mostly from Kinny-Chow and Canton.....	1,000,000	Gold-ware.....	276,000
Native oils mostly nut.....	960,000	Brass buttons, for India.....	186,000
Grass-cloth, mostly banta.....	812,000	Tin-foil.....	207,000
Native cloth, banta and Swatow.....	950,000	Brick.....	200,000
Tobacco, mostly Swatow.....	800,000	Poultry.....	200,000
		Meats.....	200,000

CURRENCY OF CHINA.

The currency of China is chiefly of Mexican silver dollars and copper "cash."

The Mexican dollar, although valued at only about 73½ cents by foreign banks in exchange for gold, is still the favorite dollar with the Chinese, who seem to know or care little about its depreciated value on the gold basis; and native traders and shop-keepers only notice it when compelled to add one-third to the cost of goods from Europe or America. The value of the cash is a little less than one-tenth of a cent. A Mexican dollar buys at the coin-shops 1,080 cash.

The cash have square holes in the center, and are strung on strings of tough grass. They are in common use among the populace in city and country, and bear the Chinese characters indicating the dynasty and reign of coinage. Some of them are worn down to half of their original or standard size and weight, but still are current.

Without purchasing selections from dealers in old coins I have, by the aid of chronological tables, from time to time selected from cash in current use in Canton, pieces of coin issued in nearly every century back to the fifth century before the Christian era, or back to the days of Confucius.

NEW MINT AT CANTON.

The largest mint in the world has been built and equipped in Canton by the present viceroy of the two Kwangs during the past year, and specimens of copper cash and silver dragon dollars, half-dollars, and subsidiary silver coins have been struck at this Canton mint within the past month; but there seems to be some doubt about the enterprise being prosecuted vigorously, for two reasons, viz, the difficulty of obtaining the imperial sanction for the coinage of silver dollars and subsidiary coins, and the prospect of a loss in coining cash composed of 60 per cent. of copper and 40 per cent. of brass when the copper is worth more than the cash represents.

The substantial stone and brick buildings erected for the Canton mint are equivalent to about 500 feet in length, and of an average width of about 50 feet, equipped with boilers and engines of large capacity, and about one hundred coin-presses of the best styles.

The entire outfit was supplied and arranged by an eminent firm in Birmingham, England, whose superintendent has recently completed the establishment and awaits the orders of the authorities.

In the meantime, while the imperial sanction for silver coinage is withheld, doubtless for fear that the native bankers, financiers, capitalists, and business men may prefer to continue the use of Mexican silver dollars, and also while the value of copper offers poor inducements for coinage of cash, which it is possible the populace or common people may reject, the Chinese authorities are ascertaining, through the Chinese legation in London, the cost of an outfit for a cotton cloth manufactory in lieu of a mint.

CHINESE COTTON MANUFACTURES.

During the year 1888 cotton, cotton yarn, and cotton goods were imported into this province to the value of \$14,715,240. Of this total amount \$11,652,600 consisted of cotton yarn and raw cotton, which were manufactured by natives into fabrics for Chinese use.

In several former reports I have faithfully endeavored to show that the Cantonese were increasing and developing their cotton manufactures, and I now venture the prediction that whenever the Chinese get rid of, or lay aside, their prejudice or aversion to the labor-saving or modern machinery of western nations the effects of competition in manufactures between the cheap labor of these Asiatics and the industry of Europe and America will be realized by Americans and Europeans without debate.

Recent advices from Manchester, England, have been received to the effect that the entire outfit for a cotton-mill with twenty thousand spindles for China is to be supplied by a firm in that city, as per contract and specifications just made.

OBSTRUCTIONS TO COMMERCE.

Having in my report of "Commercial Information" (which accompanied my dispatch No. 151, dated July 25, 1888,) stated fully the obstructions maintained by the Chinese authorities at Canton against foreign commerce, it is now only necessary to say that the same policy exists to deprive foreign ships of the use of the deep-water channel between Canton and the sea, and to prevent foreign merchants from doing business with the interior by means of "transit passes," according to the provisions of treaty.

RAILROADS.

Recently the subject of railways has engaged the attention of the Imperial Government of China and the principal viceroys of the Empire. The views expressed to the Throne by the eminent viceroy of the two Kwangs (Kwang-Tung and Kwang-Si) seem to have elicited imperial favor. Chang Chih-Tung,

the viceroy of the two Kwangs, is recognized as the highest scholar in the Empire. His brother, who was tutor of the Emperor, is a member of the Emperor's grand council.

Intensely anti-foreign in policy, Chang Chih-Tung has never favored the enterprising and progressive policy of the eminent viceroy of the Metropolitan province; and while the viceroy in Canton favors the abandonment of the railway nearly completed between Tien-Tsin and a point near Peking, under the auspices of Li-Hung-Chang, he presents to the Imperial Government a memorial in favor of a railway between Peking and Han-Kow and between Tien-Tsin and Shan-Hai-Kuan, a point on the northern Chinese wall, at which military forces are kept whenever the northern frontier is menaced by the Russians.

Doubtless the system suggested by the influential viceroy of Canton includes a railway between Canton and Han-kow. This would be a great interior and imperial trunk line of railway to facilitate transfer and concentration of military forces between important and populous parts of the Empire, and be in communication with the great natural highways of commerce that are navigable for hundreds of miles between the sea-coast and the southern and western frontiers.

The reasons of the distinguished and influential viceroy have not been published, but, as he is known to be intensely and uncompromisingly anti-foreign in spirit and action, and, apart from his eminent talents in mandarinish statesmanship, has a better knowledge of the necessity of railways for interior communication between the various portions of the Empire than any of the viceroys in China, it is safe to venture the suggestion that the sad predicament in which one hundred thousand Chinese soldiers in southern China were placed by the French declaration in 1884-'85 that "rice is contraband" was a lesson for China.

Fleets of ships from rice-shipping ports, laden with rice for Canton to supply the Chinese army in southern China, from northern and central China, were met unexpectedly by the French proclamation that "rice is contraband," and the Chinese Government then learned the necessity of interior railway communication.

China is full of minerals. Some of the iron mines of China have been worked for over a thousand years for material to use in the manufacture of rude household and agricultural implements and mechanics' tools.

Li Hung Chang, the great viceroy of the north, has not only favored railways, but insisted that the iron rails should be made of Chinese ore.

CHARLES SEYMOUR,

Consul.

UNITED STATES CONSULATE,

Canton, June 10, 1889.

FRENCH VINEYARDS AND AMERICAN VINES.

REPORT BY COMMERCIAL AGENT SMITH, OF MAYENCE.

A great deal of attention is being given in Austria to the study of means for effectually resisting the phylloxera, which has already done a great deal of damage to its vineyards, and is all the time increasing its ravages, threatening them with destruction. Experts have for some time past been giving the subject careful attention, and it seems that they concluded that there is no hope for the Austrian vineyards except in the introduction of American vines, which withstand the insect.

In December last I transmitted to the Department an abstract of a publication on the American grape-vines by Dr. Géza von Hovrath, one of the Government experts of Austria-Hungary engaged in devising means to stop the depredations of the phylloxera, in which he set forth all that he had learned of a positive nature regarding the resistibility of the American vines to the phylloxera; and I now have to transmit to the Department an abstract of a published report by Mr. Hermann Goethe of a trip taken by him to central France last summer, at the expense of the Austrian Government, to study the phylloxera question. He had already made trips to the vineyards of northern and southern France for a similar purpose. He left Baden, near Vienna, on the 15th of August and got back on the 29th of September.

In the introduction to his report Mr. Goethe says that the phylloxera can now be regarded as mastered, after twenty years of trying conflict, and in the body of his report says that it is with the American vine that the victory over the phylloxera has been accomplished. Mr. Goethe visited the celebrated wine districts of Bourgogne, Beaujolais, Lyonnais, and Gironde, and was every-where well received and aided in his mission.

THE BURGUNDY DISTRICT.

The Bourgogne, or Burgundy, is that part of France now comprehended by the departments of Ain, Saône-et-Loire, Côte-d'Or, and Yonne. Its average temperature is 10.5° Celsius, the average rain-fall 647 millimeters (25½ inches). It is renowned for its wine; and so great a source of wealth has the grape been to this section of France that the chain of hills on which the vine is cultivated, stretching for 60 kilometers (37½ miles) in a southerly direction from Dijon, via Gevrey, Nuits, and Beaune, to Santenay, has come to be known as the Côte-d'Or, that is, the Hills of Gold, the department in which they are situated being likewise so designated. It is therefore at once evident what the phylloxera means to such a district.

The grape chiefly grown on the hill-sides in Burgundy is known there as the Pinot, but in other parts of the world as the Burgundy, and is the grape to which France owes the celebrity of its Burgundy wine and the world-wide fame of its champagne. On the lowlands an inferior grape, called the

Gamay, is cultivated in preference to the Pinot and its varieties, as it gives a larger quantity of wine, though of an inferior quality.

The soil upon which the best varieties of grapes grow in the Côte d'Or is calcareous, whose quality and value are determined by situation and amount of clay, marl, gravel, iron, and manganese mingled with it. The grapes are allowed to grow high, and the stocks, in consequence, have to be buried under the earth every fourteen or fifteen years to renew the vines; and this manner of cultivation is a great obstacle to the introduction of American vines to graft upon, as this burying has to be done away with if the full benefit of the grafting is to be obtained, and the wine-growers think it absolutely necessary on account of the character of the soil.

The phylloxera was first observed in the Bourgogne about 1877, but as it increased slowly it was not until 1885 that it began to make great havoc. Up to last year 4,000 hectares (10,000 acres) had been destroyed, while 13,000 hectares (32,000 acres) more have begun to give diminished products. When the ravages commenced the wine-growers endeavored to stay the plague and save their vineyards by freely using insect destroyers, especially bisulphuret of carbon. So did they in other parts of France. But numerous attempts of this kind soon showed the futility of dealing with the insect in that way without at the same time liberally manuring the treated vines. This, however, while killing many insects, destroys the vines also oftentimes, and is very expensive, costing, it is said, 500 francs (\$100) a hectare ($2\frac{1}{2}$ acres), and could not generally be adopted on account of its expensiveness, being too expensive to be long kept up even by the wealthiest wine-growers. Mr. Goethe says that his investigations have convinced him that both the sprinkling of the vines with insect destroyers and the manuring of them at the roots only put off for a time the fatal end that is inevitable, and that this view is becoming more and more shared in by the wine-growers of the Bourgogne and other parts of France. Their only salvation, he thinks, is in the introduction of American vines.

On account of the expensiveness of fighting the phylloxera, what are known as "syndicates" have been formed in the Bourgogne, as well as in other parts of France, for the purpose of assisting wine-growers to overcome the pest, and these syndicates amounted in the Bourgogne last year to seventy-four. They receive aid from the State and departments, and collect from their members fixed taxes or contributions. The measures adopted for the protection of the grape affect all the members, and relate to insect destroyers, American vines, the establishment of experimental vineyards, and experiments in grafting, manuring, fertilizing, etc. The Bourgogne syndicates had last year two experimental vineyards, one near Dijon of 22 ares (a little more than half an acre), and one of 20 ares (half an acre) near Beaune, both under the superintendence of capable men.

Although the phylloxera had been ravaging the vineyards of the Bourgogne for ten years, it was not until July, 1887, that its wine-growers were permitted by law to plant the American vine; but some wine-growers had

managed to get them into their vineyards, and such vines have shown by their freshness and productivity, when all around lay waste, their great superiority over the French vines in ability to resist the phylloxera. There are now about 150 acres of vineyard in the Bourgogne planted with American vines, and this area, Mr. Goethe says, will undoubtedly greatly increase in the next few years.

THE BEAUJOLAIS DISTRICT.

This is the wine district south of the Côte-d'Or and adjoining it. It is of a more mountainous nature than the Côte-d'Or, and stretches from Macon, via Romanèche and Belleville, to Villefranche, across the eastern declivities and valleys of the Monts du Charolais, which in some places have a height of 1,000 meters (3,280 feet) above the level of the sea. The rain-fall is abundant, amounting to 946 millimeters ($37\frac{1}{4}$ inches) annually. The summers are hot and the winters cold. The soil is mainly granitic, gneissose, and porphyritic in character. The Gamay grape is chiefly cultivated, while the Pinot is but little used. The wines of the Beaujolais, therefore, are not so highly prized as those of the Bourgogne, but are well thought of as cheaper wines.

Here, says Mr. Goethe, has lived for years, far away from the noise of the world, the greatest ampelographer of France, M. Pulliat, who is now regarded as the leading authority on the phylloxera, and is the editor and publisher of the monthly periodical *La Vigne Américaine et la Viticulture en Europe* (the American Vine and European Viticulture).

Although the Beaujolais first became infected by the phylloxera six or eight years before Mr. Goethe's visit there, and but recently before had been authorized to plant American vines, he saw vineyards of American vines four to six years old, mostly with the Vialla as stock, as this variety of American grape has proved itself so far the one best adapted to the Beaujolais; but, notwithstanding that it shows itself suitable for the Beaujolais and perfectly resistive of the phylloxera, the wine-growers hope and are trying to get something even better. The Vialla is therefore seen every-where growing for cuttings, alongside houses, walls, hedges, in vineyards, etc. On the level tracts towards the Saône the Riparia is regarded as a valuable stock to graft upon, and even the York-Madeira is thought well of as taking root easily and growing well; but in dry situations the Riparia does not do well, soon turning yellow and failing to take graftings.

In the Beaujolais, American vines are being a good deal used to graft upon, and increasingly so. The example of a few intelligent wine-growers is being rapidly imitated, and the American vine will soon be largely grown. With regard to the value of the different kinds of American vines to graft upon, such as the Elvira, Canada, Jaquez, Herbemont, Othello, etc., opinions differ widely, and they have not been long enough experimented with to fix their respective qualities. The greatest care is taken with the grafting, and the experiments that are being made with the American vines are watched with the greatest interest by all classes of the population. The chief talk of the

people, says Mr. Goethe, is about the phylloxera and the American vines, as all are more or less interested, directly or indirectly, in wine growing.

In the Beaujolais the vines are in the third stage of infection from the phylloxera, and in the Bourgogne in the second, while in the Champagne they are but in the first.

THE LYONNAIS DISTRICT.

This is the district around Lyons. It is mountainous, having elevations up to 1,500 meters (4,920 feet) above the sea. The average annual temperature is 11.3° Celsius, the average temperature of the coldest month 2.4° Celsius, and of the warmest 21.4° Celsius.

Viticulture in the Lyonnais has not so fixed a character as in the Bourgogne. The grape is not grown in large adjoining vineyards, but is cultivated in orchards and in common with other things. The vines are found to be generally 200 to 300 meters (656 to 984 feet) above the sea, and of a large number of varieties.

The phylloxera got into the Lyonnais sooner than into the Beaujolais or the Bourgogne; as it spread from southern France northwards through the valley of the Rhine. In this district, therefore, the people have suffered longest from the pest, and have been experimenting longest with American vines. Varieties giving complete satisfaction are seen there which were grafted upon fourteen years ago, such as the Vialla, Riparia, Solonis, York, Madeira, or Rupestris, and the people are fully convinced of the value of grafting upon American vines, and are zealously endeavoring to perfect it and make it easier. It has been learned by experience that vines that have been grafted upon bear fruit sooner and more abundantly than those which have not been subjected to grafting, and that the berries ripen earlier; and the wine-growers are seeking to take advantage of this discovery and force the vines by careful culture and manuring to show even better results, but they are in doubt as to which varieties of the American vines are best adapted to the Lyonnais.

THE GIRONDE DISTRICT.

This is the largest wine-growing district of France, and embraces about 370,000 acres of vine land, and is famous not only for the quantity, but for the quality of its wines, which are shipped to all parts of the world. Bordeaux is its chief town. Its climate is largely influenced by the proximity of the ocean. This tract of country is only 10 to 15 meters (33 to 49 feet) above the level of the sea. Its winters are mild and the average temperature moderate. The average rain-fall is 586 millimeters (23 inches), pretty evenly distributed among the four seasons of the year, but the springs are a little dry and the autumns a little damp. The average annual temperature is 12.8° Celsius, that of the coldest months 5.8° Celsius, that of the warmest 20.6° Celsius.

The soil of the Gironde has been formed chiefly by deposits of different kinds of tertiary formations and later strata of alluvia. The alluvial soils that lie the lowest, denominated "palus," that is, swamps or morasses, have

been formed by the drying up of swampy ground and the deposit of alluvia by the neighboring sea and by the two rivers flowing through the Gironde, the Dordogne, and Garonne, and consist of sand or a dark-colored, sandy clay mixed with a stratum of round, white gravel of varying depth, often very slight, with a similar but compacter stratum of gravel and pebbles underneath it. In these palus, which are chiefly to be met with in the Medoc, on the left bank of the Garonne, there are a few alluvial deposits higher (up to 49 feet) than is generally the case, planted with vineyards and crowned by chateaux, such as Chateau Lafitte, Chateau Mârgaux, Chateau Latour, as well as St. Julien, St. Estephe, etc., whence the noblest wines of the Medoc come.

The vineyards of the Gironde, known as the Côtes, are on a row of heights stretching along the right bank of the Garonne from Langon to Blaye. The soil is more or less a deep, loamy soil, in part calcareous, as at St. Emilion, which affords the grapes more support than the palus, on a bed of soft, gray, limy, sandstone, in which the people dwelling on the bank of the river have cut dwellings for themselves.

The wines of the Côtes are not as fine as the best of the Medoc wines, but some of them are noted for their alcohol.

The phylloxera appeared in the Gironde almost simultaneously with its first discovery in France, but the insect may have been in the vineyards some twenty-five or thirty years before it was noticed.

It was in the Gironde, in 1869, Mr. Goethe says, in the vineyard of M. Laliman, near Bordeaux, that the resistibility of the American grape to the phylloxera was first discovered; and Professor Millardet, who was called to the University of Bordeaux in 1874 for the study of American grape-vines, has, during the fourteen or fifteen years that he has filled this chair, devoted himself with zeal to his subject, and become widely known as an authority on American grape-vines and phylloxera. He was the first, Mr. Goethe says, to scientifically show the ability of American vines to resist the phylloxera and give the reasons therefor, and in a number of publications has made known their value and the importance of hybridizing them in France. Their perfection, through systematic cultivation, is the work of his life, and Mr. Goethe considers him to be now the best authority in the world regarding them.

Mr. Goethe visited Professor Millardet's experimental vineyards, and visited with letters of introduction from him a number of vineyards of note in the neighborhood of Bordeaux.

At the time of Mr. Goethe's visit last year the Medoc had been infested with the phylloxera for twelve years, and although for eight years it had been permitted by law to plant American vines, still, as the wine-growers held with great tenacity to all past methods of cultivation, the American vines had, comparatively speaking, been introduced to but a slight extent.

The owners of large vineyards in the Medoc keep up, with all the means at their command, the former system of culture, and look down with great

disfavor upon a foreign grape, and seek, rather than introduce it into their vineyards, to get rid of the vexatious phylloxera by laying their vineyards under water from the neighboring Garonne and freely scattering insect destroyers and manure over them. They know full well that the wine from old vines is much superior to that from new growth, and do not hesitate to obtain in large quantities from the far north the very rich fish fertilizers of Norway to fertilize their vineyards. The owners of small tracts of vineyard are without means to experiment with, and equally afraid of a change of culture. They will wait until the value of the American vines is clearly demonstrated to them by experimenters around them before they will have anything to do with them.

Mr. Goethe says:

Whoever visits the Medoc for the first time will naturally ask himself, as I did, how it is possible that so noble a wine can be harvested upon this large level tract on the left bank of the Garonne, with its few, almost unnoticeable, elevations, hardly rising up to 15 meters (49 feet) above the level of the sea, in such a sandy and gravelly, often exceedingly poor and low, alluvial soil, where the Topinambour is cultivated among the vines for food, and where of an especially good situation it is impossible to speak. Although it is well known that the poorest soils often yield the best wines, yet I feel myself obliged to say in this instance that in the Medoc it is not the soil so much as the remarkably mild and equable climate and the cultivation for a long time of a few varieties of grape that have caused the Medoc to produce such excellent wines.

Therefore is it that the large wine-growers adhere with tenacity to the old methods of cultivation and the old varieties of grape.

In the neighborhood of Cadillac, which belongs to the Côtes of the Gironde, and which is quite celebrated for its white wines, a variety of grape called the Greffe-Cadillac has been obtained by grafting which has met with great favor among the wine-growers. This section of country has suffered very much from the phylloxera, and numerous deserted vineyards belonging for the most part to small proprietors, who had not the means to replant, are to be met with, and near them, in the large domains, fresh plantings six to eight years old of improved American vines luxuriantly growing and bearing rich clusters of grapes, mostly the Riparia variety, engrafted upon with French cuttings. Mr. Goethe says he often observed here, as well as elsewhere in France, that large tracts of vineyards might have been long before reconstructed with improved American vines if the last ten years had not been thrown away experimenting with insect destroyers and all sorts of useless means to get rid of the phylloxera, costing France a very large sum of money in dear bought experience. The results of grafting which he saw in Cadillac were surprising, he says. The grafting was mostly done with the French Semillon upon the Riparia. The French minister of agriculture, M. Viette, who inspected in July of last year the improved American vines in Cadillac, expressed himself as extremely satisfied with the results obtained, and said that the State would the next year grant still larger sums of money to aid in the improvement and culture of the American vines as the only effectual means of resisting the phylloxera.

The oldest improved and unimproved American vines in large quantities which are to be met with in the Gironde, and even in all France, are those of M. Piola, formerly burgomaster and president of the viticulture company of Libourne. They are partly at his country seat of Chateau de Meynard in Coudat near Libourne, and partly at St. Emilion, where he has two large vineyards. The vines of the latter, York-Madeira, Riparia, etc., improved by grafting French cuttings on them, have been growing satisfactorily in a calcareous soil for twelve or fourteen years, and yielding annually rich quantities of noble wine.

M. Piola was, next to Laliman, the first to experiment with American vines of all kinds, and his collections are the richest in all Europe. According to him there are so far but a small number of resistive American vines which will, by direct cultivation without grafting, give a pretty good wine when grown under particular, especially southern, conditions; but when a fine wine is wanted grafting with European cuttings must be resorted to.

The wines of St. Emilion are the choicest wines produced in the Côtes of the Gironde, and command high prices. Its wine-growers consequently fear to bring the American vines into their vineyards, and many of the vineyards are still treated with insect destroyers in preference to introducing American vines into them.

FRANCE IN GENERAL.

The magnitude of the injury done to France by the devastations of the phylloxera and the necessity of a means of relief comes forcibly to mind when it is considered that, in the ten years from 1877 to 1887, of 2,346,000 hectares (5,865,000 acres) of vineyard 400,000 hectares (1,000,000 acres) were destroyed by the phylloxera. To preserve as much as possible what remains the French Government spends annually 1,500,000 francs (\$300,000) in combating the pest and aiding wine-growers of small means and organizations to fight it. In 1887 some 8,820 hectares (19,850 acres) of vineyard were treated with kalium sulpho-carbonate and 66,205 hectares (167,512 acres) with bisulphuret of carbon, partly at the expense of the State, while 26,665 hectares (66,662 acres), principally at the mouths of the Garonne, Dordogne, and Rhône, were subjected to submersion, which methods of treatment, wherever practicable, must necessarily call for greater outlays as the phylloxera increases; but the planting of the infected and wasted vineyards with resistive American vines is now regarded as the best mode of combating the phylloxera, and the use of them is constantly on the increase. France has now about 166,517 hectares (416,287 acres) of vineyard planted with American vines. The State is generously encouraging the establishment of nurseries for the growth and cultivation of American and improved vines, and in consequence the latter are now obtainable in the infected districts at 250 francs (\$50) per thousand, and the Government gives away annually to distressed and needy wine-growers at the nurseries at Montpellier large quantities of American vines free of charge. Of the sixty departments of France

having vineyards every one has been declared to be infected with the phylloxera and forty-five authorized by law to introduce American vines into their vineyards.

The efficacy of the treatment of the vineyards with insect destroyers, among which bisulphuret of carbon is the chief, has been very much magnified, Mr. Goethe says, and many warm advocates of it have been compelled to take to the American vines as the only sure means of resisting the phylloxera. The use of insect destroyers is very expensive, and the results achieved not commensurate with the expense incurred. Even wine-growers of means can not keep it up for years, even with aid from the State. They can not add to the ordinary costs of cultivation—250 francs (\$50) a hectare (2½ acres) annually for destroying the phylloxera—without ruining themselves, for 250 francs is, on an average, nearly one-half the clear gain on a hectare of vineyard. Should the State once stop the enormous aid it grants, the treatment with insect destroyers would at once come to a sudden halt. In connection with the use of insect destroyers the vines are richly manured, and Mr. Goethe thinks that has more to do with their preservation than the insect destroyers.

A second method of treatment is the submersion of the vines under water; but this is only practicable in certain localities where the vineyards are low and water is abundant, as in the Gironde. In this case Mr. Goethe thinks that the slime and fertilization brought by the water are a leading factor in producing the result achieved. One of the most intelligent wine-growers of southern France, who had been subjecting 15 to 20 hectares (37 to 50 acres) of vineyard to submersion since 1873, says that the effect at first was very beneficial, but that the vines grew weaker and weaker and gave less fruit, and finally had to be taken up and new plants substituted for them. Submersion is cheaper than the use of insect destroyers, but only postpones the death of the vines a few years.

In planting American vines the wine-growers endeavor to get sorts whose grapes can be at once pressed, as the phylloxera can be rendered harmless by a simple improvement of the stock without any further large expense. With this end in view extensive tracts, especially in southern France, have been planted with Jaquez, Cynthiana (Norton), Herbemont, Elvira, Othello, Black July, Senasqua, Canada, Cornucopia, Cunningham, Eumelan, Delaware, Secretary, Noah, Triumph, etc., which, according to circumstances of situation and growth, show a greater or less resistibility to the phylloxera. As a rule, the resistibility of the American vines to the phylloxera can never become a complete and absolute resistance, as a variety will only prove resistive where it would grow well any way without attack from the insect. A great amount of experimenting is therefore first of all necessary to fix the soils and localities in which the different kinds of American grapes flourish best. There are, therefore, in France, after ten or fifteen years of experiment with the American vines, the most contradictory statements often made respecting the different sorts. Mr. Goethe says that he has seen in France numerous magnifi-

cent plantings of Jaquez, Cynthiana, Herbemont, Othello, Canada, etc., which were flourishing well in every respect and gave large quantities of well selling wine, while he has seen plantings of the same grapes which did not at all come up to the requirements. He also saw there the latest hybrids from American vines, intended for direct bearing without further crossing, and says of them that many of them are excellent for giving a large quantity of wine, where quality is of secondary consideration, and where the wines are desired for blending with other wine; but when a fine wine is wanted it can only be obtained, he thinks, for a long time to come at least, by grafting the fine and approved European varieties upon strong, resistive American vines, and in France more stress is laid now than ever before on this point. The principal thing is to get a strong and good stock to graft upon, well adapted to the soil and climate of the locality where it is to grow. This became well recognized in France soon after the commencement of the experiments with the American vines, and the viticulturists sought, by careful selection and painstaking culture, to strengthen the resistibility of the vines to the phylloxera, but at the same time to improve its growing qualities, productivity, etc. As a large part of the vineyard soil of France is calcareous, experts were sent to the United States to investigate the different kinds of grapes known there, wild and cultivated, and to discover, if possible, new sorts. Years of patient experiment and investigation have shown pretty well the fitness of the different kinds of American vines for the various soils of the Republic, upon which subject much has been published but the experimenting and investigating is still going industriously on in the hope of making some further valuable discovery. There has been brilliant success in the experiments and graftings made, but along with it much miserable failure, as a great many points have to be kept constantly in view in the use of the American vines, such as soil, sort of vine, kind of graftings, proper maturity of shoots, manner of treatment, etc. Mr. Goethe says he saw in France plantings twelve to fourteen years old which answered every requirement in growth and productivity where French cuttings had been grafted on the American varieties Riparia, Solonis, and York-Madeira, although fourteen years before there was but a very limited supply of stock vines to select from, and wine-growers were very inexperienced in the improvement of the French vines by grafting them on American. He says he frequently had opportunity during his visit in France to see plantings of Riparia, Clinton, Taylor, and Jaquez eight to ten years old, upon which French cuttings had been grafted, which were giving satisfaction in every respect, and often saw evidence of the great value as stocks to graft upon of the Vialla, Triumph, Huntingdon, Baron, Perrier, Riparia Fabre, Riparia-Geant, Grand Glabre, Arnaud, Riparia Portalis, and Azémar, as well as specially the Rupestris and the hybrids therefrom, which are being now much experimented with in France.

In districts which have been little or not at all infected by the phylloxera American seedlings are used to graft upon, as the seed is imported in preference to the vine, from fear of introducing the phylloxera along with the vines.

AUSTRIA.

The first discovery of the phylloxera in Austria was in 1872, in the governmental vineyard at Klosterneuberg, near Vienna. To exterminate it the remedy then in use, namely, bisulphuret of carbon, was employed, but without any success; and in 1874 the entire experimental vineyard at Klosterneuberg had to be rooted up. Then, to free the ground entirely of the insect, a thorough and expensive disinfection of the ground, about twelve acres in extent, was made, and tobacco, hemp, and such things grown on it for several years, when, in 1879, it was replanted with grape-vines, partly European and partly American. These new plantings, however, notwithstanding regular treatment with bisulphuret of carbon, were soon so infected with phylloxera, and so reduced in growth and productivity, that in 1885 the vineyard began to be gradually planted with resistive American vines to ascertain with certainty their value as a basis for the preservation of viticulture. A second attempt, at Steiermark, in 1880, to get rid of the phylloxera by tearing up the vines and impregnating the soil with bisulphuret of carbon had a result similar to that at Klosterneuberg, and was abandoned after a few years of trial. Other attempts by private individuals in Lower Austria and Istria, with governmental assistance, to stamp out the pest in the same way have so far also proved ineffectual, so that it can be said that after sixteen years of infection there is not in Austria an infected vineyard that has been kept in paying condition for a number of years with bisulphuret of carbon; and were it effective, says Mr. Goethe, it could not be generally kept up on account of its expense. There is, therefore, nothing to be done but to take to the American vines, he says, as a means of saving the vineyards of Austria.

A great deal of objection has been made to the American grapes, on account of the unpleasant taste the wine from them is said to have, but by careful selection and cultivation this objectionable flavor has been got rid of in certain varieties; and they are certainly in quality, Mr. Goethe says, much more valuable than many of the poor native grapes of the Krain, Tyrol, Steiermark, and other crown-lands, and, besides, where the bad flavor exists, it can be improved and removed by prompt pressing of the grapes and manipulation and blending of the wines.

Some years ago the Austrian Government forbade the importation of American vines, from fear of the phylloxera being thereby introduced into the Empire; but some of the wine-growers of the country managed to get them, nevertheless, and in the neighborhood of Görz and Cormons, in Istria, Steiermark, Lower Austria, and the Tyrol flourishing vineyards of American vines, smuggled in some time before, now give rich harvests and furnish thousands of cuttings for the multiplication of the American grape, and eloquently testify to the excellence of the American vines and the wisdom of those who had the courage to introduce and plant them in defiance of governmental prohibition; and Mr. Goethe, in his treatise, says they deserve the thanks of their countrymen for having acted as they did.

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(3) For facility of making medical applications when the tree shows signs of disease.

(4) The facility with which the ripening of the fruit may be accelerated or forced.

(5) For ornament.

Let us glance a moment at these various objects, and how they are accomplished.

(1) Economy of space.

The great bulk of the land holdings here are small—very many of them very small—and as grapes for brandy making was the great, the all-absorbing crop, every rood of available land was concentrated to that to the exclusion of every thing else whatever. And after the prosperity of the country was gone, through the death of the vines by the phylloxera, the farmer required all his land for food crops to support his family. So in both cases—avarice and poverty—the fruit tree, a luxury, had to take the wall.

Again, in close built quarters in town there was naturally no space for fruit or vines. There is almost always a court-yard, however, and along the walls of this the thrifty Frenchman has strung his fruit-trees. On the outside he takes up a flag-stone from the pavement of the sidewalk, prepares a place, plants a vine, and replaces the stone so as to conform to the new conditions. The vine grows, its stem is supported against the wall to a height, say, of from 10 to 12 feet, when it is trained out laterally between the upper and lower windows on a sort of a horse-rack shaped frame of iron rods. Thus it forms a beautiful ornament to the dead white house front and furnishes many a welcome cluster of juicy grapes to the breakfast table at no cost.

(2) Protection against the weather.

This is by no means a rigorous climate, measured by New York standards, although by reference to a map it may be seen that Cognac is about the latitude of Montreal, Canada. The Gulf-stream has so modified the climate, however, that the "winter isotherm," so to speak, would fall about Macon, Ga., Montgomery, Ala., or Columbus, Miss. It was not colder here last winter—an average season—than in any of the three southern cities. But, remembering the latitude, it will be seen that the shortest winter days are only about eight hours long, and after that the long, cold night. Then the wind blows chill and cold, piercing even to the joints, and on still nights the frost lies like snow on the ground. As to snow itself, other than as a feathery shower, melting almost as soon as it falls, it is rare. So with sleet—that sleet which even in the far south thickly glazes all out-doors, from leaf, twig, and stem of tree and plant to roof of house and bed of road—here it is almost unknown. Still, as this climate is ill adapted to such delicate fruits as peaches, apricots, etc., some sort of artificial protection against cold and frost is necessary for them, and they obtain the best protection from the wall itself. The body of the wall protects against the wind and driving cold, and the screens and sheds, which can be readily adapted to the wall, against frost and snow. These screens are made thus: The walls are almost

invariably capped with a coping of fluted tiles projecting several inches ; under the little shed thus formed a slanting frame of iron rods and wires is adapted, supported below by braces of the same metal. Upon this frame and overhanging the trees is placed a blanket of straw made by the gardener himself at a nominal cost ; if this is not enough, it is very easy to hang similar mats of straw or old rugs, etc., against the wall and in front of the trees.

(3) For the facility of making medical applications to the tree when it shows signs of disease.

The trees here are subject to many ailments, some affecting the present or prospective crop of fruit only, and others touching the life of the tree itself. French horticultural therapeutics seems to limit itself to a solution of sulphate of copper and quicklime (the *bouillie bordelaise*), or a solution of sulphate of copper and aqua ammonia (the *eau celeste*). The solutions are applied by means of a spray apparatus, or an atomizer, and when the tree is fairly spread out against the wall, as in the methods of cultivation now under consideration, these applications are a very simple matter.

(4) The facility with which the ripening of the fruit may be accelerated or forced.

From what has been said under the second heading it needs no further argument to show how the early heat of the sun may be utilized for the ripening of the fruit and what measures should be taken to protect the tree and its fruit against sudden lowerings of the temperature in the late spring. Suffice it to say that the thrifty gardener, by making use of the means above indicated, can get his apricots early into market when they bring him 5 to 6 cents apiece.

Lastly, for ornament. All the gardens here are surrounded by high stone walls, and, of course, no gardener of taste or feeling could permit his wall to remain white, bare, and naked. Hence many of the designs used are merely to hide the nakedness of the wall. They have but little practical utility so far as bearing fruit is concerned, and are maintained in the forms in which they are drawn with infinite difficulty. Sometimes, after several years of careful management, the tree is gotten into the desired elaborate form, when suddenly, to the great disgust of all concerned, half of it dies and its symmetrical beauty is gone.

With this style of tree culture, however, I have but little sympathy, since it is much easier to get vigorous, hardy trees, bearing fruit, whose forms are more graceful to my eye than those intended merely for ornament.

So much, then, for the *raison d'être* of this method of tree culture. Let us glance now at how the results are obtained.

(1) The first requisite is, of course, the wall. This should be from 9 to 12 feet high, depending on the size of the garden or inclosed space. It should be covered with some sort of slightly projecting coping, as tiles or slate, and should be of sufficient thickness to insure its stability. Here, where the whole soil is nearly underlaid with soft chalk-stone, the cost of the wall is a mere trifle—the trench for the foundation and that for the trees furnish nearly enough stone for the purpose.

(2) After the wall is built some sort of trellis should be attached to it upon which to tie and train the trees. The poorer gardeners employ a plain wooden diamond-shaped trellis, made of slats nailed against the wall. The walls of the best gardens, however, are provided with trellises of iron wire, and each strand is furnished here and there with thumb-screw swivels so that they may be drawn taut when required. This is much the neater, more desirable, and, in the long run, more economical system.

(3) A trench should be dug at some slight distance from the wall for the reception of the new plantation. The distance from the wall and the dimensions of the trench will depend on the height of the wall as regulating the height of the tree and the kind of fruit-tree to be planted, say, ordinarily, $1\frac{1}{2}$ feet from the wall and 2 feet deep by 3 or even $2\frac{1}{2}$ feet wide. This trench should now be filled with carefully prepared upper soil, or loam, mixed with a suitable quantity of stable manure. The tree, or vine, is now planted, in the month of November or February, with the stem slanted through the side of the trench and towards the wall, and, its first bent being given it, attached to the trellis.

Here let me stop a moment to say that the consensus of opinion among gardeners here seemed to be decidedly in favor of seedling trees in preference to budded or grafted stocks. Of course, if a bough can not be gotten where it is desired to have it by natural means, that is, if a wood bud can not be found at a point where a limb is required, this want may be supplied by a bud artificially introduced, or by a graft. Still, the French gardener prefers to deal with a seedling in the first instance, holding that it is easier to give it the desired shape, and that the buds for the production of lateral and other boughs may be more certainly counted on than is the case with grafted or budded stocks.

Having now arranged the preliminaries it becomes a question of what shape shall be given to the trees. For my own part, I much prefer the rather simpler forms, say the U forms and their modifications, or the candelabra forms. The best of all the forms, however, both as to beauty and utility, I regard the palm-shape and its modifications. There are other very good shapes, the names of which I have been unable to get. My distinct preference, also, is for the forms which have vertical or oblique branches, for these reasons: The sap of a tree has always a tendency to mount, and under ordinary conditions the best fruit will be found on the ends of the branches or the periphery of the tree. Therefore, the oblique forms follow more nearly untrammelled nature, and thus yield better general results. As a proof of the foregoing may be cited this fact: If a horizontal form is sought after, and one side of the tree (that is, the boughs forming one side) develops at the expense of the other, or if any one bough on the one side is weaker and smaller than the corresponding branch on the other, the condition is easily remedied by bending the over-developed branch downwards or the atrophied branch temporarily upwards. In either case the sap quits the dependent for the elevated branch, and soon they are brought to an equal development, when the restraints may be removed.

Whatever form is selected, however, the trunk of the tree should not be allowed to grow higher than 12 or 15 inches. At this height it should be made to branch or bifurcate, and the branches then arranged in such forms as may be desired. I can not here go into the various methods of pruning and training. These will vary, naturally, with the sorts of trees with which we have to deal. Suffice us to say that all redundant growths are to be cut away, and even the bearing branches pinched back from time to time as the exigencies of the tree and its crop require.

One word as to the results obtained here by this method of fruit-tree culture. In my judgment it is the only system practicable in this climate, but with the protection which the trees thus obtain even peaches and apricots do fairly well. I have counted, for example, a hundred well-formed, beautifully colored peaches on a single U-shaped tree whereof the stem was no larger than my wrist.

EDWARD P. EARLE,
Consul.

UNITED STATES CONSULATE,
Cognac, August 21, 1889.

TRADE OF THE BRITISH EMPIRE.

REPORT BY CONSUL-GENERAL NEW, OF LONDON.

I have the honor to inclose a review, printed by the London Times, of Sir Rawson W. Rawson's publication, a sequel to his book on "Tariff of the British Empire." The facts and figures herein given have a present interest as showing the increase and value of the trade of the United Kingdom.

JOHN C. NEW,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
London, August 24, 1889.

SHIPPING AND TRADE OF THE UNITED KINGDOM.

[Inclosure in Consul-General New's report—extract from the London Times.]

I. SHIPPING.

The growth of our shipping in its various branches during these thirty-five years, the share it takes in our own trade and the trade of other countries, the part played by foreign shipping in the trade of the Empire, and the growth of the shipping of other countries as compared with our own are all exhibited with clearness and succinctness. From this the comforting conclusion can be drawn that in spite of all competition our commercial navy has been steadily and rapidly increased in strength, and that as a whole our share in the carrying trade of the world continues to grow beyond the ratio of any other country. With regard to passenger traffic beyond Europe, one table shows that to 1853 foreign passenger vessels were much larger in size and carried a much greater number of passengers out of England than British. In 1861, however, the proportion was equalized, and, while the foreign liners increased in size and for many years have averaged 2,000 tons, British passenger vessels have increased to 2,650 tons; and, while the British passenger tonnage has grown from 286,000 tons on the average of

1860-'62 to 1,781,000, on the average of 1885-'87, the foreign tonnage in the same period has decreased from 187,000 tons to 28,000 tons. The proportion of passenger tonnage to total tonnage has averaged 5.5 per cent. throughout the whole period. One interesting point brought out by Sir Rawson Rawson is the increase of large steam-vessels. In 1878 there was but one steam-vessel of 3,600 tons, which was the only steamer of that size in Europe. At the present date there are in the United Kingdom 330 of 3,000 to upwards of 8,000 tons gross, with an aggregate tonnage of 1,304,201, averaging 4,000 tons each. According to Lloyd's Register, 4 more were added up to April 30 last, at which date there were in foreign countries 188 steam-vessels of above 3,000 tons, of which 48 ranged from 4,000 to 6,000 tons. France owned 68, Germany 33, the United States 20, Spain 17, Italy, 15, other countries 25. Another return shows that wood is being rapidly superseded by iron, except for small vessels, and more lately iron by steel. Still another interesting table shows that a very much smaller proportion of foreign vessels is engaged in the maritime trade of the United Kingdom than is the case with any other country. Of the shipping employed in the trade of Russia 92 per cent. is foreign; of Portugal, 95; the United States, 79; Germany, 57; France, 64; Holland, 70; and even Norway, 35.5 per cent. Again, we find that of the shipping employed in the trade of different countries the share of that of Great Britain is 48 per cent. for Russia, 34 per cent. for Germany, 52 per cent. for Holland, 50.7 per cent. for the United States, 41.7 per cent. for France, 48.4 per cent. for Italy, and 56 per cent. for Portugal. The total amount of British tonnage engaged in the trade of the nine great commercial countries in 1886 was 50,487,000 tons, or nearly 9 per cent. more than the total amount of British tonnage employed in the trade of the United Kingdom. It represents 42.8 per cent. of the total tonnage employed in the trade of these nine countries. Of the steam tonnage of all the world 67 per cent. belonged to the British Empire in 1887. Such are a few of the flowers to be culled for our gratification from this garden of statistics so admirably arranged by Sir Rawson Rawson. Our shipping, like our trade, has so far in bulk defied all competition. We do not get so much per register ton for our coal and our iron and our textiles and other manufactures as we did thirty years ago; if we did, the value of our export trade would be at least half as much again as it is — instead of two hundred and fifty millions it would amount to something like four hundred millions. On the other hand, we do not pay so much for the increasing quantities of food and raw materials that we have to import; if we did, our imports would cost us over five hundred millions instead of three hundred and sixty millions. It will be difficult for fair traders to see anything in Sir Rawson Rawson's synopsis that can be used as an argument against the doctrines of their opponents. It is possible, but not probable, that had the high tariffs which prevail in other countries existed in the United Kingdom during the past thirty-five years the money value of imports might have been higher, but certainly the bulk of the trade would have been less, and with the decreasing price of the larger exports the general prosperity of the country could not have been what it is. But to put the question to the test, either Sir Rawson Rawson or some equally competent statistician might do the same service for, say, France, Germany, and the United States that he has done for England. A comparison of the results would be of the highest interest.

2. TRADE.

The trade of the whole Empire, and the trade of each constituent part in relation to the whole and to the mother country, is exhibited and examined in many aspects. Here we find, when the British possessions are taken by themselves, a gratifying increase from 1872 onwards. Thus the average value of imports in the years 1872-'74 of the Empire, minus the United Kingdom, was £142,183,000; in the next triad, 1875-'77, this had grown to £152,868,000; in 1878-'80 to £160,715,000; in 1881-'83 there was a great leap to £194,096,000; and in 1883-'86 the average was £198,650,000. When, however, the value of the imports of the United Kingdom are added to these we find, naturally, fluctuations corresponding to those already noticed. The period of highest average value was 1881-'83, when the total imports of the British Empire reached in value the sum of £625,643,000, falling in the next triad 1883-'86, to £590,284,000. The exports of the British possessions during the same period,

were, on an average, nearly the same as the imports. Thus the average in 1872-'74 was £149,921,000; in 1875-'77, £158,257,000; in 1878-'80, £167,063,000; in 1881-'83, £194,326,000; and in 1884-'88, £195,644,000. Here, also, when the trade of the United Kingdom is added, fluctuations are introduced. In 1881-'83 the average value of the total exports of the Empire was £517,355,000, whereas in 1884-'86 it was only £495,920,000. Thus, then, the total trade of the British Empire for 1888 may be estimated at something like £1,200,000,000 sterling, nearly equal to the combined trade of Austria, France, Germany, Russia, and the United States. The total contribution of the British possessions to this enormous sum is about £400,000,000, or one-third as compared with the two-thirds of the mother country. The trade of the foreign possessions of other European states compared with this is nowhere; that of the French possessions, including Algeria and Tunis, probably does not exceed £25,000,000 sterling. This may afford some idea of the magnitude and solidity of our colonial possessions; and the figures, so strikingly presented by Sir Rawson Rawson, form one of the most powerful arguments that could be adduced by the Imperial Federation League for the unity of the Empire within practicable limits. The shipping required to carry on this gigantic traffic exceeds 126,000,000 tons. With regard to the value of trade (imports and exports) per ton of shipping, the difference between the different groups of colonies concerned is very striking. In the case of India, for example, it is as high (1886) as £21 5s.; of the United Kingdom, £10 4s.; Australasia, £7; South America, £5; North America, £4 3s.; Africa, £3 4s.; Asia, £2 3s.; and the West Indies, £1 8s. This striking difference Sir Rawson Rawson accounts for in various ways, as for instance the very large amount of passenger traffic in the case of some of our colonies.

We have reason to be proud of the enterprise and progress and wealth of our Empire beyond the seas, but it is useful to know precisely what is the importance of each of our possessions so far as the trade of the Empire and the trade of the United Kingdom are concerned. Sir Rawson Rawson has therefore done a special service in formulating the precise percentage of importance which each holds in the great mass of imperial trade. He takes the year 1885 as affording the most complete statistics when he constructed his tables, and for his special purposes it answers as well as a later. Taking, then, the total trade of the Empire in that year at £1,000,000,000 sterling we find that the contribution of the United Kingdom to this total was 61.4 per cent., and of India 16 per cent., leaving 23 per cent. to be divided among all the rest of the Empire. After India, and far below it, New South Wales and Canada come with 3.8 per cent.; Straits Settlements, 3.4 per cent.; Victoria, 3.2 per cent.; New Zealand, 1.3 per cent.; Queensland and the Cape, 1.1 per cent. each; South Australia, 1 per cent., and all the other possessions considerably less than 1 per cent. each. Western Australia, for example, ambitious to become a "responsible" colony, with all her enormous territory, contributes only 0.1 per cent. to the trade of the Empire. The precise measure of the commercial importance of the colonies to the trade of the mother country is exhibited in another table. Their total contribution to the trade of the United Kingdom is a little over 26 per cent. Of this India contributes 9 per cent.; Australasia, 8 per cent.; British North America, 2.9 per cent.; the Cape and Natal, 1.3 per cent.; Straits Settlements, 1.1 per cent.; the West Indies, 1 per cent., and all the rest less than 1 per cent. each. Sir Rawson Rawson then proceeds to examine the trade of each possession in detail, but into this it is impossible to follow him.

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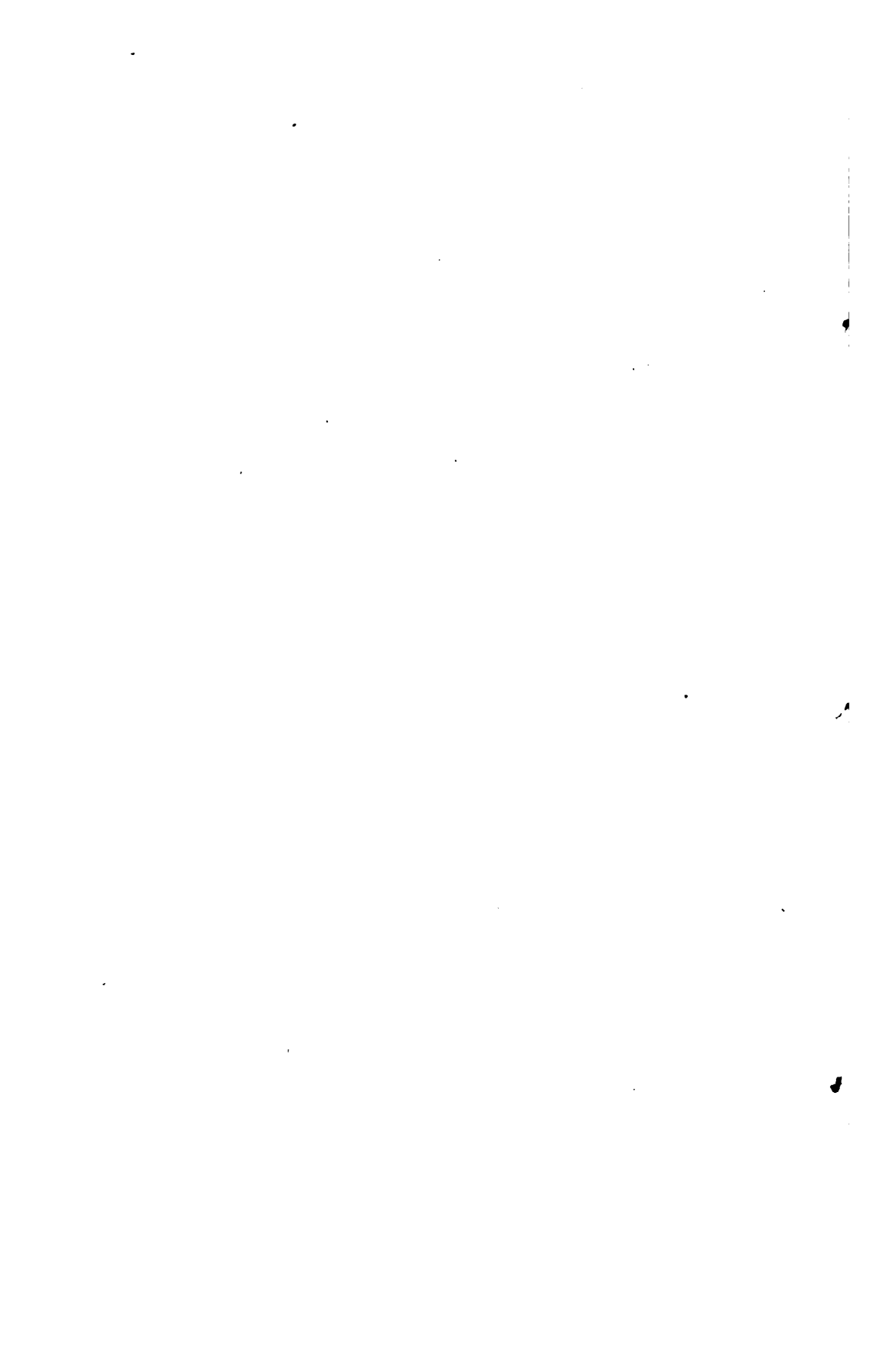
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CONSULAR REPORTS

ON

COMMERCE, MANUFACTURES, ETC.

NO. 109.—OCTOBER, 1889.

INTERNATIONAL EXHIBITION OF AGRICULTURE AND LIVE STOCK AT BUENOS AYRES.

REPORT BY MR. VILAS, SECRETARY OF LEGATION.

I send with this a letter received from Pedro A. Costa, proprietary director of the National Grange, a well-known agricultural society of this country, in which he offers the gratuitous services of his company in the supervision of the landing, exhibition, etc., of the products sent by citizens of the United States to the International Exposition of Agriculture and Live Stock to be held in this city under the auspices of the Rural Society, a private institution of some importance, during the period April 20 to May 11, 1890. I am informed the United States Government has been officially invited to take part in this exhibit.

HENRY L. VILAS,
Secretary of Legation.

UNITED STATES LEGATION,
Buenos Ayres, August 26, 1889.

MR. PEDRO A. COSTA TO MR. HANNA.

[Translation.]

BUENOS AYRES, June 6, 1889.

To His Excellency the Minister Plenipotentiary and Envoy Extraordinary of the United States of America, Bayless W. Hanna.

SIR: It being intended to hold here next year an international exposition of agriculture and live stock, and as many manufacturers and producers of your country may not take part in it, on account of the great expenses and trouble represented by the placing and exhibition of their products, I hereby offer to the manufacturers and agriculturists of the United States, through Your Excellency, the services of the National Grange, of which I am proprietary director, for the placing and exhibition of the products which they wish to exhibit. These services, Mr. Minister, I offer in the desire that the country which Your Excellency represents

No. 109, October—I.

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may figure in a manner according with its greatness and its close relations to this country. The National Grange will not collect commission nor any premium for their services, and will take charge of the landing, setting up, and exhibition of all the North American products which may be consigned to them to the above end for account of each remitter. Asking that Your Excellency will communicate this note to those interested, I am, etc.

PEDRO A. COSTA.

AMERICAN TRADE IN SAMOA.

REPORT BY VICE-CONSUL BLACKLOCK, OF APIA.

AMERICAN AND BRITISH COTTONS.

The largest amount of cotton goods imported here is of British manufacture, the reason being that the principal trade is done by the British, and the only steam connection we have is with British colonies.

American cottons, however, are superior, and our prints especially are gaining favor every day, being the only goods of this class that can be guaranteed fast colors. The best quality of English prints can not be relied on as fast in fancy colors; on the contrary, our cheapest grades invariably hold their dyes.

The width of our ordinary prints used to be objected to, and the English goods bought in preference because a little wider, but now the natives, being more civilized, look at quality instead of quantity. Common American print measures about 28 inches, while the same priced English goods measure about 32 inches.

Again, there is a demand (which, however, is fast dying out) for a very cheap line of prints, usually purchased by the natives in whole pieces to be given away at feasts of different kinds. These goods eventually go to the outlying districts to the poorer classes in exchange for what they furnished the feast in the shape of produce. The water in which this stuff is washed for the first time might be used for paint. If the colors were only suitable, the consistency is there. This trade is a British monopoly, our manufacturers turning out nothing which will at all approach the inferiority of the material.

HOW TO INCREASE AMERICAN TRADE.

The great obstacle in the way of American trade in all classes of goods is the want of steam connection with the Pacific coast, while with New Zealand we have a steamer every four weeks and also one every six weeks, and with Australia we have another one every four weeks.

One or two of our more enterprising merchants have received shipments of paints from San Francisco on the mail steamer via New Zealand.

There are many lines in all classes of goods which can be purchased to better advantage in the United States which now our merchants have to obtain from English colonies for want of transportation from the United States.

If the mail steamers running from San Francisco to New Zealand and Australia called here, a good trade would be built up in a very short time with the United States. All the general merchandise now coming by sail would

come by steamer, and where now only one or two larger firms are able to import, the smaller ones not being able to handle a whole cargo, every store-keeper in the place could deal directly with San Francisco the same as they do now with the Australian colonies.

Six years ago the trade with the British colonies was done by sailing craft, and the majority of traders were dependent on one or two larger houses able to charter vessels, or on the occasional trading schooners calling; now we have no trading schooners and every store-keeper is independent of his neighbor. Were the San Francisco and Australian mail steamers to call here over half the goods now imported from British ports would come from the United States.

The stopping of these steamers off Tutuila, about 60 miles to the eastward of this place, is a great advantage for mail and passenger transportation; but by calling here instead very little difference in time would result, as this port is about half-way (25 miles) from either end of Upolu, and steamers come and go either way. Passenger traffic would naturally increase and a good paying trade very soon be established.

W. BLACKLOCK,

Vice-Consul.

UNITED STATES CONSULATE-GENERAL,

Apia, September 2, 1889.

GERMAN TRADE IN SAMOA.

REPORT BY VICE-CONSUL BLACKLOCK, OF APIA.

I have the honor to inclose herewith a statement of German shipping and commerce for the year ended December 31, 1888, furnished by the German consul. I applied for a similar statement to the British consul, but he informed me that no such record was kept in his office.

GERMAN VESSELS.

Entered at Apia, for all ports, 228 vessels of 27,571 tons British register; cleared from Apia for all ports, 226 vessels of 25,754 tons British register. Of these 173 vessels of 3,455 tons entered Apia from other ports of Samoa, and 174 vessels of 3,484 tons cleared for other ports in Samoa.

Foreign vessels for German account.

Nationality.	No.	Entrances.		Clearances.	
		No.	Tonnage.*	No.	Tonnage.*
American	1	1	254	1	254
British	3	15	1,337	14	1,289
Danish	1	1	648	1	648
Norwegian	1	1	54	.....	.....
Dutch	1	1	490	1	490
Bolivian	1	1	653	1	653
Total	8	20	3,923	18	3,334

* In British registered tons.

German imports at Apia, exclusive of specie.

From Germany.....	\$143,531
From United States.....	39,013
From Australasia.....	61,715
From England.....	10,063
From France.....	13,697
Total	268,019

German exports — merchandise only.

Produce of Samoa:

Cobra raised in Samoa.....	tons... 4,627
Cobra raised elsewhere.....	do..... 5,203
Cotton raised in Samoa (ginned, 698 bales).....	pounds... 307,500
Cotton seed.....	tons... 231
Coffee raised in Samoa (cleansed, net).....	pounds... 48,940
Bananas	bunches... 17,152
Dried sweet bananas.....	pounds... 13,486
Oranges and mandarins.....	cases of 70 to 80 pieces... 1,875
Pine-apples.....	cases of 30 to 35 pieces... 111
Cocoa-nuts	bags of 70 pieces... 186
Salted hides.....	pieces... 234

Foreign produce:

Turtle shell.....	pounds... 260
Pearl shell	do..... 1,535
Ivory nuts.....	do..... 663

There were re-exported to other South Sea Islands goods to the value of \$61,880.

W. BLACKLOCK,
Vice-Consul.

UNITED STATES CONSULATE-GENERAL,
Apia, September 2, 1889.

AMERICAN AND RUSSIAN KEROSENE IN CHINA.

REPORT BY CONSUL PETTUS, OF NINGPO.

I have the honor to call the Department's attention to a new factor in the import of kerosene-oil.

The American oil had no rival here for the past years; but this year Russia has exported to this port for the half-year ending 30th of June 283,700 gallons. American oil, however, holds its own, as we exported in the same time 522,340 gallons.

How much our oil trade in China will be affected by the new rival remains to be seen.

I inclose a table of the imports of American oil for the years 1885 to 1888, also the imports of oil for the half-year ending June 30.

I also inclose an editorial of the Shanghai Mercury of August 22 last on the same subject.

THOS. F. PETTUS,
Consul,

UNITED STATES CONSULATE,
Ningpo, September 6, 1889.

[Inclosure 1 in Consul Pettus's report.]

American and Russian kerosene-oil imported into the port of Ningpo in the first and second quarters of 1889.

Description.	First quarter.	Second quarter.
	<i>Gallons.</i>	<i>Gal'ons.</i>
American	287,240	235,100
Russian	94,700	189,000

Comparative table of the import of kerosene-oil for the four years 1885-'88 into the port of Ningpo.

Description.	1885.	1886.	1887.	1888.
	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>
American	388,270	379,660	1,073,840	1,741,560
Russian				

AMERICAN VS. RUSSIAN KEROSENE.

[Inclosure 2 in Consul Pettus's report — from the Shanghai Mercury of August 22, 1889.]

One of the most striking features of recent customs returns is the immense and rapid growth in the import of Russian kerosene-oil into this country. Indeed, judging by the leaps and bounds by which the new trade has advanced, one might, with reason, conclude that the American oil was giving way before that of the Muscovites. Brother Jonathan had surely needs bestir himself or the oil-wells of Pennsylvania and other States will cease to supply this illuminant to the far East, as they have done for years past. It is not hard to explain the reason of the progress of Russian oil here. It is somewhat cheaper than its older rival, and its sources of production at Baku are simply unlimited. There is nothing a Chinaman appreciates more than being able to save the most trifling sum, and it is because of its being a trifle under the cost of American oil that Russian kerosene is finding such demand in Shanghai. The trade is not yet two years old, yet the stock of Russian kerosene held in Shanghai to-day is larger than the other. There are at present some 277,000 cases of Russian oil held here, against 185,000 of American. The prices ruling, as given in Mr. Bielfeld's last report, are somewhere about 1.37½ to 1.40 taels for Russian and 1.50 taels for American. The arrivals from January to July this year were about 225,000 cases Russian, against 353,000 cases American, or, roughly speaking, the American oil is represented by 60 per cent. and the Russian by 40. These figures speak for themselves. Five steamers of different nationalities brought full cargoes of Russian oil from Batoum to Shanghai since the beginning of the year, and two more are on their way. The carrying capacity of these vessels is enormous, and most of them have been specially built for the trade. They fly almost every flag, but principally the German and Italian. The Italian steamer *Paletro* and the German steamer *Ehrenfels*, which arrived here during the past month, brought, respectively, 99,800 and 84,000 cases, the first named being consigned to Messrs. Jardine, Matheson & Co., and the second to the China and Japan Trading Company. The Italian steamer's cargo was the biggest consignment of oil ever brought by any vessel to Shanghai. Looking back over previous customs returns, we find that the import of American kerosene has dropped from 5,995,710 gallons in the three months April to June, 1886 (when no doubt there was an oil boom which many of our readers will remember, perhaps, regretfully), to 1,857,200 gallons, as per last return, while the Russian oil grew from nothing in 1887 to 2,250,440 gallons for the same period, according to the same authority. Of this quantity about half of the American and a third of the Russian are re-exported. The first attempt to place Russian oil in the local market was made early last year, Messrs.

Jardine, Matheson & Co. being the pioneers in the trade. They soon had imitators, and now there are two other large firms engaged in the business, and two auctions of the Russian oil are at present held daily. The Chinese, as they always are of innovations, were at first distrustful, but the superior quality of the article soon established its reputation, and the prices correspondingly improved. The principal, and, indeed, the only objection which the Chinese have to the Russian oil is the inferior workmanship of the cases, which give great trouble and entail heavy loss in leakage, while the American tins are very strong and well finished. We would be sorry to see the American trade crushed by its new rival, but we suppose that it is a contest of the survival of the fittest, or rather the cheapest, in this as in every other struggle in human affairs. We imagine, too, that with the present energetic governor of Formosa at the head of affairs we shall some day hear of the development of the oil deposits of that wonderful island, and the discovery of the petroleum wells in the interior of Formosa which Mr. Dodd made years ago will prove another source of revenue to His Excellency Liu Ming-Chuan. Mr. Charles Marvin, in that highly interesting volume "The Region of Eternal Fire," writing of the oil supply at Baku, which he terms "the real base of Russian operations against India," and, contrasting the resources of the Russian with those of the American oil supply, says that he saw four hundred wells around Baku, all at different depths, and therefore apparently springing from independent reservoirs. Some of these wells varied in depth from 259 to 580 feet, while one well which had been worked for generations was only 70 feet below the surface. The famous Droobja fountain well, spouting oil 300 feet high at the rate of 2,000,000 gallons per diem, came from a depth of 574 feet, which shows the enormous natural forces which must have been at work below, while all around were small wells of 300 feet deep, throwing up their spouts of the valuable oil quite unaffected by the giant well of Droobja. Many of the pumpings had been worked from remote times without any apparent diminution of their resources. The whole peninsula of Apsheron is honey-combed with thousands of oil-wells, one of which had given 1,500,000 barrels, and yet the pumps were drawing the oil as freely as when it was first tapped years ago. The wells in America are much deeper, and a man thinks nothing of boring 1,000 feet for oil, but 300 feet appears to be the average in the Baku region. In 1883 two flowing wells at Baku threw up 30,000,000 gallons apiece of oil in two months, and they were finally plugged to "cork up" for future use. Nobel Brothers, the Russian oil kings, and rivals of the Devoes, have fourteen such gigantic reservoirs corked up, because the crude petroleum will not fetch more than a few pence a ton at Baku, and the deepest of these basins is only 800 feet from the surface, while in the Bradford region in America there are numbers of wells 2,000 or 3,000 feet deep, and one in West Virginia which is over 5,000 feet deep. The pipe line to Batoum, too, is what gives the Russian oil the great pull, while the American has nearly all to be sent, with consequent extra freight, to New York for refinement, whence it is almost exclusively shipped.

ADULTERATED CHICORY.

REPORT BY CONSUL FAY, OF STETTIN.

I beg leave to bring to the attention of the Department the following points relative to the preparation of chicory and its exportation to the United States. During the fiscal year ended June 30, 1889, the export of chicory from this port to the United States steadily increased to such an extent that I made inquiry relative to the manufacture and preparation thereof. I learned that the larger bulk of chicory is made from beet roots, dried and burnt or roasted — in fact, prepared in the same manner as pure chicory. The mixture usually sold as chicory is composed of one-third of the pure article and two-thirds of roasted beet roots.

I then began correspondence with the several purchasers or consignees, informing them of that fact, adding thereto that, whilst I could not positively assert it, I firmly believed that the shipments to New York were of that quality. The replies received confirmed my views in the matter, as in one case a sample had been analyzed and found to be adulterated. The result is that all contracts have been canceled, so that whilst the shipments of the article during the quarter ended June 30, 1889, amounted to 20,000 marks, there has been but one shipment since that period up to this date, and that on consignment. I also wrote to a leading house in Philadelphia, inquiring if pure chicory could be prepared for the prices quoted in the invoices, namely, 3 cents per pound, which elicited a reply to the effect that the pure article can not be prepared for that price.

My efforts have been successful in stopping the exportation of this so-called chicory from this port to our markets. So far, so good; but this is but one of many shipping ports of Germany. I am informed and I believe that nearly all manufacturers engaged in that branch resort to the same methods.

Something should be done to put a stop to such practices of deceiving our people and injuring our manufacturers. As the Philadelphia dealer states in his letter, "the result of the importation of German chicory at such prices has been to wholly stop the growing of chicory in our country." It is not alone in this branch that we are being defrauded, but in many other branches as well. A merchant extensively engaged in the hardware trade casually remarked to me not long since that cutlery, buttons, needles, etc., were manufactured in Germany, stamped with the trade-mark of English firms, and exported to the United States as English merchandise; he at the same time praising the manufacturer for his shrewdness and broad business ability.

* * * * *

ANDREW F. FAY,
Consul.

UNITED STATES CONSULATE,
Stettin, September 18, 1889.

A PHILADELPHIA DEALER TO CONSUL FAY.

[Inclosure in Consul Fay's report.]

PHILADELPHIA, PA., *August 29, 1889.*

DEAR SIR: In reply to your favor of 10th, inquiring of us if we think genuine chicory could be made and sold at 3 cents per pound, we would say:

Far as our experience goes we have never yet been able to buy pure chicory at any such price or anywhere near that price, and it is a great question with us if any pure chicory reaches this market from your port, as all we have ever seen within the last few years is largely adulterated, especially so the manufactured chicory packed in small rolls with yellow wrappers; this we find contains principally beet meal with a slight trace of chicory in it, though in some instances it was wholly beet meal with no trace of chicory in it.

These rolls can be bought at $3\frac{3}{4}$ to $4\frac{1}{2}$ cents per pound from New York importers; now, allowing a reasonable amount for the expense in manufacturing, packing these rolls, adding cost of freight to New York from your port and importers' profit, also profit of manufacturers, it is beyond our comprehension to see where pure chicory could be sold at these prices.

The result of this has been to wholly stop the growing of chicory in this country.

We herein hand you a circular of a recent date from a prominent importer. You will observe by same pure chicory in granulated form is quoted at 5¼ cents for pure German and 6¼ cents for English. We leave it to yourself to judge if it appears plausible that all these are pure chicory.

We are sorry we can not give you more information on this subject at present time, but if there is anything further that we could learn that would be of use to you, kindly inform us, and we will endeavor to throw all the light possible on this subject.

Respectfully yours,

Mr. ANDREW F. FAY,

United States Consul, Stettin, Germany.

* * *

COMPRESSED AIR TRAM-WAYS.

REPORT BY CONSUL SHACKELFORD, OF NANTES.

The tram-way at the city of Nantes has been in successful operation for more than ten years. The motive power used is compressed air—the Mikarski system. This long test has proved the invention of Mr. Mikarski to be the best motive power now known for tram-ways in cities and short distances. The speed is 8 miles per hour, which can be readily increased or moderated at the will of the operator. The cars are comfortable, run smoothly, start promptly, and, in case of need, the stop is almost instantaneous, without jar or noise.

The first line constructed in this city extends along the quay, or river front, from Doulon, the starting point, to Chantenay, a distance of 4 miles. Within the past two years a second has been opened, crossing the several branches of the River Loire to the limits of the city in that direction, and a third is in process of construction. A road has also been opened in Paris with such success that in a few months it was extended. The lines at Limoges and Berne (Switzerland) will soon be in operation, and the authorities of Lyons have adopted the system for that city.

The compressed air chambers are beneath the floor of the car, seven to nine in number; capacity, 70 cubic feet; normal pressure at charging, 600 pounds per square inch; weight of stored air, 224 pounds; weight of stored hot water, 224 pounds; initial temperature of hot water, 320° Fahrenheit; diameter of the motor cylinder, 5 inches; length of piston stroke, 8 inches; consumption of air per mile run, 20 pounds. The reservoirs and machinery are out of sight. The car at the completion of the round trip is backed into the car-house, an attachment made to the pipes connected with the reservoir of compressed air and hot water, and the chambers charged.

Mr. Mikarski, at the opening of the Paris line, in the published explanation of his system, wrote as follows:

By the interposition of a special regulator between the air reservoir and the cylinder, the driver can modify at will the pressure at which the air acts upon the piston in the limit indicated by the pressure of the reservoir. Before reaching the cylinder the air traverses a small reservoir of hot water, where it heats and saturates itself with watery vapor. This is the real essential as regards its employment. It has the effect not only of augmenting the volume of

air by dilation, and consequently the amount of work furnished by a similar weight of air, but it promotes the utilization of its expansion like that of steam. This has hitherto been considered impracticable, because of the cooling which takes place as soon as the air expands.

The Nantes tram-way, in operation since 1879, by this system works with the consumption of coal averaging $2\frac{1}{2}$ kilograms (5 pounds) per kilometer (0.621376 mile). The expenditure is therefore only 5 francs per day for an engine replacing eight or ten horses.

The question suggested by the foregoing statement of facts deserves some consideration. Why, if this is so valuable an invention, is it not in general use in France? and why has it not been introduced into other countries?

In France, for all new lines that may be constructed, this system will undoubtedly be adopted. But in the old established omnibus and tram-way lines there are so many individual interests to be considered (that of the stockholders the least) that the adoption of any new system, however advantageous, would be strongly opposed. The system was patented some years since in Great Britain, and the Government considered it of sufficient importance to send for the consul at Nantes to explain it. A company was formed in London. They, however, made some improvements in the application of the principle, which were patented. These improvements proved a failure, and the company was not a success. Several attempts have been made to introduce the system in our country. In two cases the death of the individual holding the right for the patent occurred before any definite arrangements had been made.

In addition to the cars in daily use, a small locomotive has been constructed capable of pulling two or more ordinary cars, which is used on special occasions.

The opening of the Paris line has brought the system more directly before our citizens, and it is now receiving the attention it deserves.

H. A. SHACKELFORD,
Consul.

UNITED STATES CONSULATE,
Nantes, September 17, 1889.

COMMERCIAL RELATIONS OF COLOMBIA.

REPORT BY MINISTER ABBOTT, OF BOGOTA.

EXPLANATORY INTRODUCTION.

Thoughtful men can not have failed to note the interest which the merchants of the United States are beginning to feel in the development of their commercial relations with the countries of South America. The continued agitation of the subject in the newspapers, the reports of consular officers, the approaching international conference, the efforts of the Spanish-American Commercial Union, and necessity for foreign markets have taught our manufacturers and merchants that millions of consumers live near their coasts, of whose life, methods, and necessities they are almost entirely ignorant.

Every mail brings to this legation numerous letters of inquiry as to exports and imports, the needs of the people, the character and standing of the dealers, the climate, the tariff, the customs regulations, and other facts relative to Colombian trade. I have always answered all such letters as fully as I could consistently with the other duties of the legation, but to reply satisfactorily to each inquiry would be quite impossible. I am therefore examining, as I have time and opportunity, those matters which are suggested to me by letters and otherwise for the purpose of communicating the results to the Department for the benefit of the public.

It may seem superfluous to say anything of a country about which so much has been published. The ignorance of our people in respect thereof, as shown by the remarkable questions which are constantly being asked, furnishes a conclusive reason for giving a brief general statement.

GEOGRAPHICAL FEATURES.

The official name of the country is the "Republic of Colombia." It is bounded on the north by the Caribbean Sea, on the east by Venezuela and Brazil, on the south by Ecuador, and on the west by the Pacific Ocean, and includes the Isthmus of Panama as far north as Costa Rica. Its southern boundary is near the equator. It is traversed by ranges of the Andes, and is one of the most mountainous countries of the world. The soil of the valleys and plains is rich and productive, and many of the mountains are covered with green even to their summits. The climate varies with the altitude, from the tropical heat of the coast and great river-beds to the cold of perpetual frost.

Bogota, the capital, contains 75,000 people and is situated upon an immense productive plain at a height of 8,500 feet above sea-level. The temperature averages 60° above zero, and the climate is salubrious.

CHARACTERISTICS OF THE PEOPLE.

The population of Colombia approaches 4,000,000, and consists of Indians, negroes, half-breeds, and the whites who are the descendants of the Spanish conquerors. The common people are industrious, simple, hospitable, and of singular probity. Life and property are absolutely safe. Highway robbery would be a novelty, and courtesy to strangers is proverbial. The upper classes are well educated, intelligent, desirous of progress, courteous to strangers, patriotic, and sensible. The government is a centralized republic. Absolute peace has been maintained since 1885. The property and rights of foreigners are respected and protected. The disposition of the Government and of all classes is friendly to foreigners, and with rare exceptions the people are especially inclined to the citizens and institutions of the United States. They like our products, and prefer many of them to those of European countries.

HOW EUROPE CONTROLS THE TRADE OF COLOMBIA.

The question at once arises why then have they not heretofore and why do they not now buy from the United States instead of from England and Europe?

The main object of this dispatch, which is intended to be merely suggestive and does not cover the subject, is to give some reasons for the existing situation and to suggest some things which our merchants must do in order to bring about a change.

Practically all commercial relations have always been with England and France. The British and French merchants occupied the field in the beginning. These connections being of long standing are not to be broken off instantly nor for sentimental reasons.

The Colombian may admire the institutions of the Great Republic, as he calls it, but he is not for that reason willing to pay a friend, however dear to him, 4 cents for a yard of cotton cloth which he can buy of some one else for $2\frac{1}{2}$ cents. It will require something more than sentiment to change the volume of trade. These European connections are formidable and intricate, are hard to change, and can only be broken by offering superior advantages.

The merchants of the United States have never studied this market. Their method, as a rule, has been to advertise to a limited extent in a few papers of the country and in Spanish-American papers printed in the States, and to send to the American consuls and ministers catalogues, price-lists, and letters of inquiry. All this is well, but does not tend to furnish much information as to what this people require. To illustrate, I recently received a long price-list of white cottons coupled with a request that I would pass it to some importing merchant. Now, there is not a merchant in Bogota who has any idea of the quality or class of any cotton from the names given upon that list. He sees that the lowest quoted price is 4 cents per yard, while he can buy an English cotton for $2\frac{1}{2}$ cents per yard, and very justly concludes not to order what he knows nothing of for 4 cents, when he can have for $2\frac{1}{2}$ cents something that he knows all about. The United States merchant seems to act upon the theory that the Colombian is only waiting to learn his name to give him an order.

The idea which seems to prevail that the Colombian does not know what he wants is erroneous and fatal. No brighter men live than Colombians. They are fully alive to the value of a dollar—know how to make it and how to keep it, and if our merchants want to sell them goods they must “study the market.” The English, the French, and the Germans, instead of sending price-lists in an unknown tongue to consuls and ministers, send live men and maintain them here at great expense. These agents live here, learn the language, study the habits and needs of the people, open stores, display large lines of samples, and endeavor in every way to cater to the trade. A bright young man came from England in the last year to Medellin, a city of 30,000 inhabitants, and in three months sold calicoes and cottons to the amount of \$120,000. In that same city is a German house, a representative of

a French house, and two English houses. All of them have complete lines of samples. In Bogota and Barranquilla all these interests are similarly represented, while not an agency for the display and sale of American goods can be found. If the American merchant wishes to trade here he must at least take as much pains to introduce his goods to these people as he does to sell to country merchants at home.

AMERICAN MANUFACTURERS AT FAULT.

The United States merchant must adapt his goods and his methods to the peculiarities of the people with whom he would trade.

I once asked a Medellin merchant if he would not prefer to buy American goods. He said he would, but that our merchants rendered such a thing impossible. He once gave a large order to a New York house, with particular directions as to packing. These directions were entirely disregarded. The goods came packed for shipment by rail in large, heavy boxes. The result was that the importer was obliged to pay customs duties on the weight of the boxes, as all such duties are on gross weights. When they arrived at the head of river navigation it was found that the packages were too heavy to be transported 100 miles on mules, and he was obliged to open and repack in suitable bundles, properly wrapped in water-proof cloths, every box of the merchandise. All this rendered the transaction unprofitable and the importer extremely irritated, especially as he had sent full and explicit directions as to how the packing should be done. He has never ordered American goods since. This is not an isolated case—I have heard many similar complaints. The point is vital, and our merchants can never sell these people until they learn how to pack for these custom-houses and for mule transportation. The English, French, and Germans have learned how to pack, and do pack according to the requirements of the country.

Again, these people demand cloths of a certain length and width, and will buy no other. It is the universal complaint that our manufacturers refuse to conform to these requirements. They have certain cloths to sell, and the Colombian can buy them or not as he pleases. The result is he does not buy, and he never will buy until the manufacturer gives him what he wants. The English, French, and Germans, on the other hand, ask the Colombian what he wants, and then give it to him. It has been said that the Australian market for axes was captured by the Yankee because he made an axe that would cut soggy wood, and the Englishman wouldn't. If the Yankee wishes he can at least be as complacent as his English cousin.

Again, such stray United States commercial travelers as have been here with samples insist that the Colombian must buy the whole bale from which any given sample is selected. As every other sample in the bale may be entirely unsalable, the native merchant refuses to purchase, and always will refuse to do so until he can have the privilege of buying what he wants and no more, a privilege which the English, French, and Germans cheerfully accord him.

CREDIT SYSTEM OF COLOMBIA.

The prevailing system of long credits must be considered. This has always been a barrier to the development of our trade here. The English, French, and Germans give at least six months' interest-bearing credit from the date of the invoice, while the "three 6's" (six, twelve, and eighteen months) credits are not unknown. While it may be possible to sell upon somewhat less credits, yet it is probably true that the system which prevails in the United States would be introduced here with great difficulty. These people have always had these long credits, always expect them, and probably will. To their honor be it said that bankruptcy is scarcely ever known. It is said that but one failure has occurred in Medellin, a principal importing center, in forty-nine years, and then 50 cents on the dollar was paid. The large importers of Bogota are men of integrity and ability, and I think it is very rarely that payments are considered doubtful by the seller. This whole question needs the study of men sent here for the purpose. I only mention the fact, but can not suggest a remedy.

EUROPEAN AND AMERICAN PRICES.

Colombians say that nearly every thing can be purchased cheaper in the other countries than in the United States, an idea that is never left to perish from the thought by the energetic European. If this be true, then indeed the merchant of the United States is about to enter upon an unequal race. The only way to ascertain is to come down and see. No one unacquainted with the mysteries of trade can give any reliable information. It would be a pleasure to see representatives of American houses in this capital studying the many questions which must be understood before success can be hoped for. Time will be required. These men must learn the language. The quicker they come the better for our hopes, for I fully believe that the growth of our trade will be extremely slow, unless we have plenty of Yankee energy on the spot.

IMPORTS OF COLOMBIA.

Reserving statistics and information upon special topics for future dispatches, I note that the annual imports for the last twenty years have averaged over \$8,000,000, rising as high at times as \$12,500,000. In 1869 the total imports amounted to \$7,255,000, which came as follows: From England, \$3,975,000, or 54.7 per cent.; from France, \$1,550,000, or 21.3 per cent.; from United States, \$414,000, or 5.7 per cent.; from Germany, \$378,000, or 5.2 per cent.; from other sources, \$938,000, or 12.9 per cent.

In 1887 the total imports amounted to \$8,714,000, with sources as follows: England, \$3,611,000, or 41.4 per cent.; France, \$1,790,000, or 20.5 per cent.; United States, \$937,000, or 10.7 per cent.; Germany, \$843,000, or 9.6 per cent.; others, \$1,553,000, or 17.5 per cent.

In 1888 Germany and the United States exchanged places on the list. It must be remembered that the importations to the free ports of Colon and

Panama are not included in these computations. That to secure a share of this immense trade is worth our earnest efforts, who can doubt? The time has come for our people to stop wishing and go to work. Newspaper agitation, commercial union work, official reports and suggestions, and advertising are all valuable aids; but as long as the individual merchant or manufacturer depends for concrete orders upon these agencies alone, however valuable they may be, he is doomed to wait and wish. That some reliable house will commence to work this field by sending here men of brains, energy, and great patience is my hope, and I can assure them a cordial reception and a respectful if not an enthusiastic hearing.

JOHN T. ABBOTT,
Minister.

UNITED STATES LEGATION,
Bogota, September 4, 1889.

THE LOWER CONGO.

REPORT BY COMMERCIAL AGENT TAUNT, OF BOMA.

In compliance with instructions, I have the honor to submit the following report upon the basin of the Lower Congo River:

ORGANIZATION OF CONGO FREE STATE.

Since my report made to the Honorable Secretary of the Navy in February, 1887, the organization of the Congo Free State has been perfected, and I now find a well-equipped Government, with a full corps of officials, courts of law, post-offices, customs stations, a standing army of from twelve to fifteen hundred men, currency of gold, silver, and copper—in fact, everything in proper shape to successfully conduct a well-organized government. The European branch of the Government is vested in His Majesty King Leopold II, king of the Belgians and sovereign of the Congo Free State, with three advisers or administrators, viz, foreign affairs, finance, and interior. The European seat of government is at Brussels.

BOMA SETTLEMENT.

This settlement, about 90 miles from the mouth of the Congo River, and pleasantly situated on the north bank, is the seat of the Government in Africa and the capital of the state.

Officials.—The three chief officials in Africa are stationed at Boma, viz, the governor, vice-governor, and the inspector-general. By the constitution either of the two last, in the order named, are authorized to assume the duties of governor in case of absence or illness of the others. Should it so happen that all three are either absent or ill the Government will then devolve upon an executive committee composed of the secretary-general, the director of justice, and the director of finance.

Secretary-general.—This official is next in rank to the inspector-general, is connected with the office of the governor, and is his general assistant. He has immediate charge of the transport service, buildings and laborers, and of the marine department.

Department of justice.—At Boma this department is composed of the director of justice, who is also judge of appeals, a judge of lower courts, and the public attorney, or prosecutor for the state.

Department of finance.—This department has the director of finance, director of posts, and public notary; the latter has the sale and renting of land, collecting of taxes, etc., throughout the state.

The army, or public force.—These troops are distributed among the different stations of the Upper and Lower Congo. They are composed of from twelve to fifteen hundred well armed and disciplined blacks, officered by officers of the Belgian army. At Boma are the head-quarters and school of instruction. Stationed here we find the commandant of troops, one captain, and two lieutenants, with about three hundred men under instruction. These men are Zouziboris from the east coast, Hoursos from the gold coast, and Bangolos from the Upper Congo. This branch of the Government has greatly improved during the last two years, and is now well established. The troops are well drilled, and will, I think, thoroughly police the river, even against the well-armed Arabs of central Africa.

Medical department.—At Boma are stationed the chief medical officer and one assistant.

BANANA SETTLEMENT.

This settlement, situated on Banana Point, at the mouth of the Congo, is the port of entry of the Congo Free State. The officials stationed here are chief of district, subchief of district, judge of lower court, state or public prosecutor, director of customs, subdirector of posts, medical officer, the captain of the port, and the Government pilot.

Port regulations.—The regulations for the port of Banana require the captain of the port to designate the anchorage for all vessels inside Banana Creek and to collect \$5 harbor dues for all merchant vessels entering Banana Creek or proceeding up the river.

Navigation.—There are at present no lights either at the mouth of the Congo or on any point of the river. It has been proposed to establish one at Banana, and the matter is now under consideration. The channel into Banana is well buoyed, and although the Government has a pilot here vessels are not obliged to employ him. Twenty-two feet can be carried across the bar at the entrance to the creek at high water, but plenty of water, with good holding ground or wharfage for a limited number of vessels, will be found inside the creek. Vessels drawing 21 feet can ascend the river as high as Matodi station, on the south bank, 175 miles from Banana; but here a pilot is an absolute necessity. There are beacons established at different points as far up as Boma; these the pilot uses for ranges, and is the only one familiar with them. Above Boma there is neither buoy nor beacon.

Pilotage.—The cost of pilotage in and out of Banana Creek has been established at the rate of \$15 each way for all draughts of vessels; but, as the feasibility of vessels ascending the river to Matodi has only just been proved, pilotage has not been established to that point. The first large steamer to reach Matodi was the *Lualaba*, 1,850 tons, of the Liverpool line. This vessel made the trip in June, carrying 20 feet of water.

Passports and fees.—The passengers from the Congo for Portuguese ports must obtain passports from the Portuguese consul; fee, \$5. The same fee is required for all bills of health.

Customs.—Banana is the chief settlement for the payment of export duties. Minor stations have been established on the streams north of the river, within the state limits, but not affluents of the Congo. Agents are stationed at each with a small armed force. The Congo Free State is free for all imports, but a tax has been levied upon exports of every description. The export duties are now being revised in Brussels. When issued I will forward a report to the Department.

Foreign relations, etc.—At the present writing the relations of the Congo State with her neighbors are very satisfactory. There have been some disputes on the question of boundaries of the extreme eastern limits of the state in Central Africa, which I understand will be definitely settled during the proposed conference on African affairs soon to be held in Brussels.

Italy, Belgium, Portugal, and Holland are represented here by consuls, the United States by a commercial agent. The English and French governments, it is reported, have appointed representatives.

COMMUNICATION WITH EUROPE.

There are four lines of steamers from Banana and Boma communicating with Europe, viz: The British-African Steam-ship Company, of Liverpool; the German line, of Hamburg; the Portuguese line, of Lisbon; and the new French line, from Havre. These steamers will run up as far as Matodi if they have sufficient cargo.

In addition to the regular lines the Dutch-African Trading Company, of Rotterdam, runs the company steamer about every three months; also, Hut-ton & Cookson's steamers, from Liverpool, make about the same trips.

Cable communication can be had at the mouth of the Gaboon River and at the island of St. Thomé; both stations are about forty-eight hours' steaming north of the Congo; also, from St. Paul de Loanda, about fifteen hours' steaming south of Banana. The cable company stands ready to connect the cable at Banana whenever the Free State will guaranty them the required amount per annum.

COMMERCIAL COMPANIES.

The Dutch-African Trading Company, of Rotterdam, is the oldest and most flourishing of any trading company on the Congo. They have stations some 300 miles both north and south of the river, and during the last two years have established on the Upper Congo to Stanley Falls, 1,500 miles.

inland. They also have stations on the principal affluents of the Upper Congo. They employ a large force of white agents. In addition to their steamers running to Europe they have coasting steamers and small steamers on the upper and lower river. This company have built a hotel at Banana with accommodation for some twenty guests. The Dutch house keeps a supply of steamer coal on hand. They will not coal vessels outside of Banana Creek, but vessels that come inside can buy coal for 50s. (\$12.50) the ton if loaded at the wharf, or 52s. (\$13) the ton loaded in the stream. This company are the financiers on the Lower Congo in raising coffee, tobacco, cocoa, etc. About three years ago the French Government offered special inducements for planters cultivating within their territory. This was taken advantage of by the Dutch company, and they settled on a tract about 10 miles square, most of which is now under cultivation and planted with coffee, tobacco, cocoa, etc. The Liberian coffee has proved far more prolific and of better flavor than any experimented with. The first of the yield was gathered this year, and the crop next year promises to be abundant. The Dutch company receives from the French Government, first, a premium for being the pioneers; then they obtain their land free of cost and of all taxation, provided the tract is under cultivation within four years' time. For every laborer employed they receive a yearly premium of 50 francs (\$10). The laborers contract for one year, and they are forced to respect their contract in every particular. The pay of each laborer, in cloth at European prices, is about \$15 per annum, rations not included. Settlers or planters can obtain the same advantages that the Dutch now enjoy, with the exception of the first premium mentioned.

The French company—Dumas Bereux & Co., of Paris,—ranks next to the Dutch. They have stations on the lower river and on the upper river and its affluents. One steamer on the Lower Congo and two small steamers on the Upper Congo belong to this firm.

Hutton & Cookson, of Liverpool, have stations on the Lower Congo, and their own steamer runs to Europe and return. This firm had a large number of stations north of the mouth of the Congo.

The Portuguese company have a few stations on the Lower Congo, but the bulk of their trade is south of the mouth of the river.

The Belgian Joint Stock Company of the Congo, a new trading society organized on a large scale, backed by immense capital, and which promises to absorb the greater part of the trade of the valley of the Congo, has lately been started in Brussels. It is composed largely of Belgian capital, but considerable American, English, and French money is also interested in the stock. The joint stock company is divided into five separate, distinct sub-companies, viz: (1) The Company for Commerce and Industry on the Congo; (2) the Company of General Stores for the Congo; (3) the Belgian Joint Stock Society for the Commerce of the Upper Congo; (4) the Joint Stock Society of Matabe for the Production of Palm-oil and the Breeding of Cattle; (5) the Company for Developing the Products of the Congo.

The Company for Developing the Commerce and Industries of the Congo, a subcompany, has as its main object the building of a railway from Matodi, the head of navigation of the lower river, to Stanley Pool, the commencement of navigation of the Upper Congo, a distance of about 240 miles, and thereby connecting the Upper and Lower Congo, and reducing the time of transit through the lower cataract region to as many hours as it now takes days; which, it is justly claimed, will be the opening wedge for the suppression of the extensive slave-trade of Central Africa. The survey for this railway was made in 1887-'88 by competent engineers, and an exhaustive report was published at that time. This report claimed that the construction of this railway would be practicable, and estimated that four years would be required to complete it at an estimated cost of about 32,000,000 francs. Of this sum 10,000,000 francs have been taken by the Belgian Government, and the remaining 22,000,000 francs were offered to syndicates in America, England, Germany, and France. The entire amount was at once subscribed. Some \$500,000, it is reported, was taken by a single capitalist in the United States. The company has established plantations in the most fertile stretches of the cataract region, and propose cultivating native produce, breeding cattle, sheep, goats and fowl for the subsistence of the large force of laborers and white men that it is expected will be employed in constructing the railway. In May last word was received at Boma to prepare every thing for an immediate start. It was proposed to break ground for the construction of the railway in July. The terminus on the Lower Congo will be at Matodi Station, on the south bank, about 170 miles from Banana. As before stated, this point is the head of navigation on the lower river for all vessels drawing 21 feet and less. Some point on Stanley Pool will be the terminus on the upper river. The first 40 or 60 miles from Matodi will be difficult cutting, after that the road will meet with but few difficulties more serious than bridging the small streams.

The General Store Company of the Congo has been organized for the purpose of establishing depots for the sale of merchandise and European food, also to control hotels to be erected as the occasion may require. They are at present erecting a hotel at Boma with a large commercial depot attached.

The Joint Stock Company for the Commerce of the Haut (upper) Congo was originally the Sanford Exchange, organized by the Hon. H. S. Sanford, late United States Minister to Belgium. The Sanford had been trading for about eighteen months, and their five steamers on the Upper Congo, together with the eight trading stations, were taken over by the Belgian company.

The Matabe Company was organized for the production of palm-oil and breeding of cattle. Matabe is a large island a few miles below Boma. For the last two years a Belgian company has been working the oil-palms that cover the island.

The Society for the Products of the Congo will start plantations throughout the valley of the Congo for the production of coffee, tobacco, cocoa, and other tropical products.

While the Belgian Joint Stock Company of the Congo is not officially connected with the Government of the Congo Free State, it is unquestionably greatly favored by them, and will prove a formidable rival to any commercial company operating in the valley of the Congo. Immense grants and concessions have been allowed the railway company. The present inspector-general and acting governor at Boma is a director of the joint stock company. A large number of their agents are on temporary leave from the state. The constitution of the joint stock company provides that the bulk of merchandise, supplies, etc., for subcompanies must be purchased in Belgium.

TRADE PROSPECTS.

I am not ready at this writing to pass upon the prospect for American trade throughout the Congo Valley.

There is a great demand now as in 1887 for cotton goods, canned food, cutlery, and lumber, and ready-built frame houses are constantly called for. The bulk of the cotton goods used by all traders and by the missions and State are purchased in Manchester, England. Brass wire, beads, cutlery, etc., come from Birmingham, the canned food from England and France, although much of this last article came originally from the United States.

The consumption of cotton goods at present is very large, and when the Upper Congo is opened up this will increase ten-fold, for we will then have the immense trade of the Arabs of Central Africa in addition to the Congo natives. The question will then arise can our American cotton manufactures compete with Manchester?

Transportation from our sea-ports to Europe or the Congo will be a drawback to us and in favor of Manchester. As at present the traders and others pay freight only from Europe to the Congo, our people will have to deliver in Europe or at Banana. A direct line of steamers to the Congo would solve this question at once. If the trade in cotton goods could be once established, the rest would soon follow.

As I stated in 1887, all inquiries must be made to the heads of the different trading houses in Europe. The traders on the Congo can not make contracts for supplies and merchandise, every thing being supplied them by the home directors. I am preparing a schedule of the prices paid for goods in Manchester and Birmingham. When finished I will forward to the Department.

MISSIONS IN THE LOWER CONGO.

The Protestant missions on the Congo are the American Baptist, American Methodist (Bishop Taylor's), American Faith Cure (Doctor Simpson's), the English Baptist, the Bolola Mission (English), and the Swedish Mission. The Roman Catholics are the Belgian and the French Missions.

The American Baptist Mission, formerly Livingstone English, is doing excellent work and is in a flourishing condition. It is under the control of, and supported by, the Baptist Mission Board, of Boston. Its five well-equipped stations extend to the equator, on the upper river. M'Pauabala,

on the lower river, is the head-quarters. The steam-launch *Henry Reed*, on the Upper Congo, belongs to this mission. The majority of the members are English, formerly of the Livingstone Inland, but now almost every steamer brings out American missionaries. The other two American missions are in anything but a flourishing state.

In my report submitted to the Honorable Secretary of the Navy in 1887 I had occasion to comment upon the Simpson Mission, sent out in 1885, and dwelt upon the fact that of the six men sent out one had died, four were returned to Europe by the charity of the English Baptists, and the other (Mr. Gerrick) was taken into the American Baptists, and I had hoped that this failure would suffice to stop the continuance of the self-supporting Faith Cure missions on the Congo.

I stated in the same report that "failure and destitution will always happen unless the religious societies are made to understand that it is useless to send missionaries to the Congo who are not provided with ample means for their establishment and permanent support. If they neglect this provision, they send their people to certain death, unless they are succored by the charity of other missions, who can ill afford the double burden." Every circumstance at this date only confirms my opinion given nearly three years ago.

I am compelled to dwell upon this matter, and trust that in some way it may be rectified. Religious societies sending people to the Congo River under such circumstances must be ignorant of what is required in the country, or they would never allow them to come.

VALLEY OF THE LOWER CONGO.

The valley of the Congo from Banana to Boma is low, marshy, and rich along the river-banks, especially on the north bank. I made two trips with a caravan to the interior, and found higher land as we left the river-banks. Forests of hard wood are frequently met with, but there seems to be no method among the natives for working the wood into shape for use.

At Boma the cataract region of the Lower Congo commences, and from here to Stanley Pool the country is high and mountainous, especially along the river-banks. In the interior, notably on the south bank, low fertile stretches meet the eye, with an occasional forest. There are no large affluents to the Lower Congo.

PRODUCTS.

The products of the Lower Congo exported are palm-oil, palm-nuts, ebony, coffee, tobacco, and cocoa, the last three in small quantities at present. Pea-nuts are raised, but not for export; they, with the manioc root, form the chief articles of native food. Copper deposits have been worked on the north bank, and iron is found on both banks in the cataract region. These deposits have been imperfectly worked by natives, and but little is known of them. On my return I hope to visit the deposits myself. Ivory is, of course; largely exported, but is mostly the product of the Upper Congo. A few elephants are found on the lower river.

TRANSPORT SERVICE.

The transport service from the lower river to Stanley Pool, through the cataract region, is most unreliable. In 1885, when I first passed through this country, a porter would carry a load of 60 pounds from Matodi to the pool (fifteen to eighteen days) for \$3. To-day the price is from \$7 to \$10, and even at this rate it is difficult to secure transportation. My two special caravans of Lovugos I paid 75 cents per day each, but this included food. The porters on the regular caravan route are more reasonable.

One reason for this increase in tariff is the great scarcity of native food. There are no markets near the caravan route, the villages having been moved into the interior. Along here in 1885 we would come to a native village every few hours, now, in 1889, there are two villages between Matodi and Stanley Pool. Food has been so scarce that the governor warned me of the necessity of taking European food with me. This is only on the Lower Congo.

Again, the increase in prices can be traced to the fact that the native on the Lower Congo now appreciates the value of silver and copper coin. In many instances food can not be bought unless paid for in coin. Formerly payment was made in cloth, beads, etc., in valuing which the trader always added 100 to 200 per cent. to the cost in Europe.

The transport on the south bank is from Matodi station to Lukumgo, about six days' march; here another set of porters take hold and carry directly to Leopoldville, Stanley Pool. On the north bank the porters carry from Vivi to Isangvila, four days, then by boat to Manyouga, on the south bank, 90 miles; from here porters carry to Leopoldville.

The great and serious obstacle to the opening up of the valley of the Congo to civilization and trade is now, and has been, the difficulty arising from insufficient transport from the Lower to the Upper Congo. The proposed railway will solve this question, and until that railway is established every thing must continue as at present. The transport will become more unreliable and more expensive every day. Slave-trade will prosper in Central Africa until the civilized world bridges with steam that 240 miles to Stanley Pool, and makes it possible for the power of civilization and of the white man to penetrate and be appreciated in the most remote corner of the Dark Continent.

HYGIENE.

The limits of the wet season on the Congo are from September 1st to May 1st, with an interval of a few weeks in January without rain. The dry season occupies the remaining months of the year. The most unhealthy season is considered to be during the changes, viz, April and May, August and September. The wet season of 1888-'89 has been particularly unhealthy. From January to June fifteen white men died on the lower river. The fevers were of malignant type, and generally fatal after a few days illness. I think all this may be traced to the very late season. During the first part

there was very little rain; in the latter part of the season the rain-fall was very large, the heat intense, and the cool, dry season, instead of commencing the first part of May, had not made its appearance the first week in June. The old traders informed me that they had never experienced a more sickly season. Small-pox made its appearance in the valley of the Lower Congo in September, 1888, and has continued, although at the present writing it has about finished. It extended to Stanley Pool, and the entire Congo Basin to many miles inland suffered from the scourge. Estimates place the deaths in the Lower Congo Valley at about 50 per cent. of the natives. The whites did not suffer at all. The missionaries met with many difficulties in caring for sick, as sickness was concealed and after death bodies were left a long time unburied. The epidemic broke out on the south bank, and to a great extent was confined there. The villages near and around Stanley Pool suffered terribly. This epidemic was an unfortunate obstacle to my expedition into the interior, and it was not only difficult to travel, but to gain information.

H. M. STANLEY'S EXPEDITION.

I have no later information of Mr. Stanley's progress than that published in the public press.

Mr. Stanley returned to his camp on the Arrurriwi last year, and with his rear guard started back to Lake Nyanzi. Up to June 6th last no further authentic news had been received at Boma. The general impression is that he will next be heard from on the east coast of Africa.

June 1st official dispatches were received at Boma from the Upper Congo to the effect that Tibboo-Tib, the Arab chief and slave-trader, had left Stanley Falls with a large force to join Stanley, and was expected to act as mediator between him and the hostile Arabs of eastern Africa.

At Banana I met Mr. Ward, formerly a member of the Sanford, now of Stanley's expedition. From Ward's account the sufferings of Stanley and his people have not been exaggerated. Starvation, sickness, hostile natives, dense jungles, in fact, every African obstacle was encountered, but pluck and push carried the explorer through. Mr. Ward was en route to Europe in charge of some invalids left at Stanley Falls.

I regret that I was not able to travel more extensively into the interior of the Lower Congo Basin. On my return I wish to go at once to the upper river, and later, after the serious effects of the small-pox have passed away, visit the mineral deposits on the Lower Congo. I will then be able to inform the Department of the progress of the railway.

EMORY H. TAUNT,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Boma, August 1, 1889.*

* This report was finished at Culpeper, Va.

JAMAICA GOVERNMENT RAILWAY.

REPORT BY CONSUL ALLEN, OF KINGSTON.

In continuation of previous reports in which I referred to negotiations which were then pending between certain American capitalists on the one hand and the Colonial Government of Jamaica on the other for the purchase of the railway system of this island, I now have the honor to report the consummation of the sale of the railway to the American syndicate, in as far as such consummation can be made by the Colonial Government, the consent of the Home Government being essential to the completion of the transfer. This consent, I have reason to believe, will be given after certain modifications, which have been suggested by the home office, shall have been complied with. In view of Americans becoming owners of the railway here I believe a report on the railway will prove of interest to the Department.

The Jamaica Railway Company was incorporated in the year 1843. The first stretch of lines in Jamaica was opened to traffic on the 21st day of November, 1845, between Kingston and the Angels, a distance of a little over 14 miles, and which track represented a capital of \$1,111,250. No further progress was made until July 1, 1869, when the lines were extended to the village of Old Harbor, a further distance of 11 miles, at a cost of \$300,000.

On April 1, 1879, the Government purchased the railway system for \$469,660. At the time, therefore, of the transfer of the lines to the Government the railway represented a capital of \$1,411,250.

The Government proceeded immediately to substitute steel rails for the old iron ones, and to repair rolling stock, bridges, etc. The cost of these repairs and improvements was \$516,300, so that the old line was purchased, reconstructed, and equipped at a cost of \$1,005,960.

The Government then ordered surveys and estimates to be made to extend the line from Old Harbor, through the parish of Clarendon, to Porus, in the parish of Manchester, a distance of 24½ miles; and from Angels, through the parish of St. Thomas, in the Vall, to Ewarton, in the parish of St. Catherine, a distance of 14½ miles. The surveys were made by the director of public works, and the extensions were authorized. The works were begun in May, 1881, and carried on by the public works department until the end of the year.

On December 16, 1881, a contract was entered into with a private firm for the execution of the extensions for the sum of \$1,404,620.07. The contractors took possession of the works in January, 1882, and the line from Old Harbor to Porus was opened for traffic on March 2, 1885, and that from Angels to Ewarton on the 17th of August in the same year.

The following loans were raised for providing the means for meeting the expenditure for the construction and equipment of the two extensions, viz, \$2,000,000 and \$915,000 (of which amount, however, \$305,960 was to cover the excess of expenditure over the amount provided for the reconstruction

of the old line). A further sum of \$260,000 was raised to meet the balance of expenditure on the extensions. This sum includes an award of \$68,655 made by arbitrators to the contractors as the result of arbitration proceedings for extra services performed in consequence of departure from the original plans and the overvaluation of the works executed by the public works departments before they entered on their contract. A loan of \$130,000 was raised for the survey of the proposed extension.

On February 10, 1888, the director of public works reported on the proposed extensions from Bog Walk, through Annotto Bay, to Port Antonio, and submitted plans, sections, and estimate of the line.

The total length of this extension is $54\frac{3}{4}$ miles and the estimated cost \$3,615,362.12, or an average of \$66,030 per mile.

On March 20, 1888, a report, with plans, section, and estimate of cost of the proposed extension from Porus to Montego Bay, was submitted. The total length of this extension is $64\frac{1}{2}$ miles and the estimated cost \$4,161,997.85, or an average of \$64,467.08 per mile.

The following shows the railway receipts in the past three years ending September 30, 1888:

Description.	1885-'86.	1886-'87.	1887-'88.
Goods and cattle.....	\$84,797.56	\$116,430.81	\$149,058.81
Passengers and parcels.....	75,087.41	88,917.37	104,249.93
Miscellaneous.....	3,618.16	2,103.77	3,407.56
Wharf.....	10,358.79	13,897.77	21,514.72
Total.....	173,861.92	221,349.72	278,231.02

The number of passengers carried during the year 1887-'88 and the two preceding years was as follows:

Years.	First-class.	Second-class.	Third-class.	Season.	Total.
1885-'86.....	15,694	10,612	150,700	9,932	186,938
1886-'87.....	16,336	9,779	191,061	12,998	230,174
1887-'88.....	16,889	8,758	247,509	11,767	284,923

The following figures show the working expenses during the same period:

Description.	1885-'86.	1886-'87.	1887-'88.
Maintenance of way and work.....	\$48,927.97	\$44,789.18	\$37,080.06
Locomotive power.....	34,170.43	34,730.50	45,136.75
Repairs, cars and wagons.....	3,867.41	6,224.04	8,910.33
Traffic expenses.....	35,432.95	40,111.00	46,193.16
General charges.....	12,508.70	16,247.56	13,630.64
Sundries.....	4,611.20	10,906.85	20,828.20
Total.....	139,518.66	153,009.13	171,779.14
Proportion of working expenses to receipts.....	80.24	69.12	61.72
Net earnings.....	34,343.26	68,340.59	106,451.88

The length of the line now in active operation is $63\frac{1}{2}$ miles; the length of the line to be constructed is $119\frac{1}{4}$ miles. Total cost of lines already constructed, \$2,478,235; total cost of estimate of lines to be constructed, \$7,777,359.97.

From the stand-point of experience as taught by railway construction in the United States an ominous fact presents itself in connection with the railway extension made in this island during the past few years, viz, the acreage under cultivation along the lines thus constructed remains at or near the same stand-point. This fact is due not to the want of appreciation afforded by railway facilities, but rather to a natural timidity on the part of agriculturists, a timidity born of successive years of failure in the sugar interests, the reduced price of sugar being the direct cause of this failure.

The advance in this article during the past six months, however, has given rise to a new hope, and I look forward to a large increase in the acreage and, should the prices of sugar remain as they are, to a corresponding prosperity for the island.

W. G. ALLEN,

Consul.

UNITED STATES CONSULATE,

Kingston, Jamaica, August 23, 1889.

COCOA-NUT TREE DISEASE IN BARACOA.

REPORT BY COMMERCIAL AGENT PRYOR.

I have to report that a disease has been discovered in some of the cocoa-nut trees here which has alarmed the inhabitants of Baracoa, who are thus menaced by the ruin of the only positive production upon which this jurisdiction can count. The horrible plague of micro-organism, which destroyed nearly all the cocoa-nut plantations in the Vuelta Abajo district, and which excited so much newspaper and scientific attention, has recently appeared here on some of our plantations, causing grave fear to those who are well acquainted with its awful ravages.

A meeting has been held at the city hall, over which the mayor presided, composed of planters, merchants, and others, with the object of taking immediate steps to guard against the spread of the disease, which would bring to this jurisdiction desolation and ruin, it being resolved to telegraph the governor-general of this province, asking of him authority to burn the cocoa-nut trees infected, and permitting the common council at the same time to establish a special tax, with the object of paying the expenses the operation would occasion, as well as to solicit popular subscriptions with the same object in view, in case the tax should not be sufficient.

During the meeting Dr. Fernan Val des Dominguez, who was one of a committee appointed to examine this same disease when it raged at the Vuelta Abajo, read the following paper:

Convinced by the analysis which we have practiced with the help of the microscope that the disease which the cocoa-nut trees in this place are suffering to-day is produced by the same cryptogamian parasite that has destroyed so many plantations in some parts of this island, that the

symptoms that the disease presents here are the same. The spots were observed on the lower leaves, commence to get yellow and dry, always on the lowest leaf first, and then the next highest, until, at the end of three or four months, all the leaves having fallen from the tree yellow and dry, it arrives at its most tender parts, the center of its life; and as its result a putrid decomposition sets in, destroying the tree. Here we have been only able to discover the first symptoms of the disease, the common black beetle that is found in the center of the tree not yet having appeared, nor has the putrid decomposition shown us that the disease is old. We have observed one plantation, and its owner told us that a month ago all the trees were perfectly healthy, or at least the leaves had not commenced to get yellow. Having before us the studies of Doctors Pory, Gundlanch, Vilaro, Ramos, and others, and serving us as a guide the prescriptions indicated by the Academy of Science of Havana, I propose, first, to prevent the spreading of the disease, to burn the leaves of the diseased trees, making the fire go up from the ground, employing for this operation petroleum or any other medium the meeting would believe most convenient; secondly, to appoint one or more committees of individuals for the purpose of burning diseased trees.

These propositions are made as being promissory of good results, having observed many plantations in other places invaded by the same awful disease in which its symptoms were the same as here. The first was enough to check its terrible ravages.

The propositions made by Dr. Dominguez were unanimously accepted and a committee appointed to commence operations immediately, having already received a telegram from the governor-general of the island giving authority to burn all infected trees found in this locality.

The principal, and I may say the only, productions of this jurisdiction are cocoa-nuts and bananas, and the cocoa-nuts are by far the most important. The annual production of cocoa-nuts is about 25,000,000, valued at \$20 per thousand, the price they are sold for when shipped to the United States; total value, \$500,000. About one-half or less than one-half of the production are exported to the United States, a few are shipped to other points of the island, and the balance are ground in the cocoa-nut oil factories here. There are two factories here that grind about 14,000,000 nuts yearly and employ a great deal of labor, but the labor employed in the factories is but a small percentage of that which would be rendered almost if not quite destitute by the destruction of the cocoa-nut plantations, as at least three-fourths of the population of this jurisdiction are wholly dependent on this product. Its effect would be felt by the large cocoa-nut-buyers of New York, as this is the cheapest nut that can be bought anywhere, and the location is such that it is convenient for vessels with butward freight to the windward ports or other ports of this island to call here for a homeward cargo of nuts, thereby making freight cheap. The number of nuts exported from this port to the United States during the year ending June 30 last was 10,448,668, invoiced at \$190,627.27.

Since the meeting above referred to several other meetings have been held, and the committee appointed at the first meeting has been working large forces of men in trying to exterminate the plague. The means they are employing is, when the lower leaves show from the color that they are dead to cut them off; they are then burnt under the tree, and a quantity of sulphur is thrown on the fire, the fumes going up through the remaining

leaves. Other trees that do not show so much of the effects of the disease are fumigated, but not trimmed. It is impossible to accomplish much at this work when there is any wind, as the fumes are blown away before reaching the affected part of the tree. The operation is therefore very slow, and is very expensive.

There have been liberal contributions for the expense, and owners of plantations are doing all they can, each on his own plantation, to rid themselves of this impending destruction. It can not be seen yet whether the means employed are having a good effect or not.

THE BANANA INDUSTRY OF BARACOA.

As above stated, the banana crop is also one of great importance here. I do not think that there is any one other port that exports as many bananas annually as this. The number of bunches of bananas exported during the year ending June 30 last was 1,636,063, invoiced at \$1,046,257.90. The most of them are shipped during the spring and summer months, from the 15th of March to the last of August, to New York, Boston, Baltimore, and Philadelphia. About 60 per cent. of them go to New York and 25 per cent. to Boston. During the fall and winter months a few are shipped to Charleston and Savannah. The bananas exported represent the entire crop, with the exception of a very few that are consumed here in this immediate locality, none being shipped to other parts of the island.

HENRY G. PRYOR,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Baracoa, September 24, 1889.

TRADE OF ST. THOMAS, WEST INDIES.

REPORT BY CONSUL TURNER.

DECREASE OF AMERICAN SHIPPING.

There has been during the year ended March 31, 1889, a very perceptible falling off in the number of American vessels calling at this port. This is accounted for by the fact that the coal for the three steam-ship companies has been brought here in steam-ships, British, of course. Heretofore this class of cargo has been imported in sailing vessels, but steam-ships now carry the coal for even less freight than the sailing vessels, and their arrivals can be counted upon with more certainty. The steamers are always chartered for the round trip—outward with coal and back with cargo from Hayti, Porto Rico, Santo Domingo, or Cuba—to the United States, or else direct to some southern port in the United States, there to load for Europe. If they return to the United States, the round trip is made within a month. This has cut out the sailing craft almost entirely from this class of freight coming to this port, thus re-

ducing, of course, the American tonnage arriving here, since vessels of that flag formerly brought most of the coal. General cargo in the nature of provisions and breadstuffs has also been recently brought in steam-ships, and that was the exclusive trade of the sailing vessels.

IMPORTS.

The total imports into St. Thomas during the year ended March 31, 1889, amounted to \$1,126,000. The principal countries from which these were drawn were: Great Britain, \$343,000; the United States, \$343,000 (there being only a difference of less than \$300 in favor of Great Britain between the imports from both countries); France, \$121,000; Germany, \$104,000; Denmark, \$42,000.

REVENUE AND EXPENDITURES.

The revenues of the island for the fiscal year ended March 31, 1889, were \$134,120, and the expenses \$188,710, showing a deficit of \$54,590, which is due almost entirely to military expenses and pensions. The estimated revenues for the year ended March 31, 1890, are \$135,400, and the expenses \$186,879, showing a deficit of \$51,479. There is no probability that in the distant future the revenues will balance expenses, unless a wholesale retrenchment should take place in the management of affairs. The island has been on the decline for several years. The charters made at this port for the past two years show that there has been a decrease of 36 per cent. in that class of business. All other branches of business have suffered in an equal degree, and some even more.

MORTIMER A. TURNER,

Consul.

UNITED STATES CONSULATE,

St. Thomas, W. I., August 28, 1889.

Railroads in Brazil.—Under date of August 31, 1889, Consul Borstel, of Pernambuco, reports that the contract to build a new railroad in the province of Piauh, in this consular district, has been awarded to Dr. Newton Coyar Bustlamaqui, a Brazilian. This line will be narrow gauge, and will begin in the city of Amarante, a small sea-port town in the above-named province, and run to the sierra called Dais Imaãs, or Two Brothers, in the same province, a distance of 700 kilometers, or 140 leagues. Dr. Bustlamaqui has an additional contract to carry on the line from the said sierra to the city of Petrolina, on the banks of the River San Francisco, in the province of Pernambuco, a distance of 200 kilometers, or 40 leagues. This is the same line of which some meager account was sent in my dispatch No. 33 of April 14, 1888. The estimated cost of the line is \$12,000 per kilometer, or close to \$10,000,000 for the whole line. The Government guarantied 6 per cent. yearly upon the capital expended until the line is finished to its satisfaction.

TRADE OF SANTA CRUZ.

REPORT BY CONSUL TURNER, OF ST. THOMAS.

SUGAR CROP.

A large crop of sugar has been made in Santa Cruz during the past season. It is estimated at 20,000 hogsheads of 1,500 pounds each. About one-eighth of it remains to be reaped, and many plantations will be forced to abandon temporarily the making of sugar in order to attend to the succeeding crop. The prospects for the next crop are unusually promising. The growth of the plant and ratoon canes from the earliest stages has been luxuriant and continual, having been favored with abundant rain throughout the season, and may be said to be nearly six weeks in advance of the growth during ordinary seasons. Owing to the unusual rain-fall during the past season the density of sweets in the juice is placed at between 6 and 7, while last year it was 11. The steady high prices, however, have placed the planters generally in a good financial position.

REVENUE AND EXPENDITURE.

The revenues of the island for the year ended March 31, 1889, were \$155,761 and the expenses \$255,921 showing a deficit of \$100,161. The estimated revenues for the year ending March 31, 1890, are \$158,128 and estimated expenses \$261,345, showing an estimated deficit of \$103,217, which is due, as in the case of St. Thomas, to military expenses and pensions.

IMPORTS FROM THE UNITED STATES.

There is no method of finding out accurately what part of the imports come from the United States, as they are classed with "other foreign states," but it is estimated by merchants that it is about three-fourths of the whole, mostly provisions and breadstuffs.

MORTIMER A. TURNER,

Consul.

UNITED STATES CONSULATE,

St. Thomas, W. I., August 28, 1889.

EXPORTS OF MEXICAN SILVER-LEAD ORE.

REPORT OF CONSUL FECHET, OF PIEDRAS NEGRAS.

The exportation of silver-lead ores to the United States practically began at Paso del Norte in 1884 upon the completion of the Mexican Central Railway. This ore trade rapidly assumed large proportions under the decision of the Treasury Department at Washington establishing a value standard rather than a quantity standard for the determination of the classification of ores.

The scarcity of lead fluxing ores in the central and southwestern mining regions of the United States, and the rapid extension of the business of smelting ores of the precious metals, had caused a demand for fluxing ores out of all proportion to the supply in the United States.

There were found in Mexico very extensive deposits of lead carbonates, and not infrequently associated with a lime and iron gangue or matrix. These carbonates have a wide range in their silver and lead values, carrying from 15 to 50 per cent. of lead and from 10 to 100 ounces of silver. In many cases high lead percentages are associated with low silver values.

The presence of lime and iron in quantitative excess makes these ores from Mexico very desirable, not so much for their silver and lead values as for the actual work such ores will perform in the smelting furnace. As an evidence of the wide distribution of these Mexican ores in the United States, they were shipped to Pueblo and Denver, Omaha, St. Louis, Kansas City, and Newark, N. J., as well as to points in New Mexico and along the frontier, where large smelting plants have been erected to treat Mexican ores in connection with dry or non-lead ores from New Mexico and Arizona. No complete data are at hand showing annual value and tonnage of this ore trade, but from a calculation based upon the export ore tonnage entering the United States at Eagle Pass, Tex., the total annual shipments for fiscal year ending June 30, 1889, will approach \$1,500,000 in value.

That a trade of such large extent should have created and fostered great commercial activity is readily understood; that disastrous commercial results have quickly followed the almost complete cessation of ore shipments at Piedras Negras is natural enough. The Mexican Government, some three years since, seriously considered the advisability of imposing an export duty upon raw Mexican ores with a view of building up reduction works in Mexico, and it was understood that the then existing doubt whether Mexico possessed a sufficient supply of coking coal and the high price of foreign coke caused the project to be abandoned. With the development of the Sabinas coal-fields in the state of Coahuila near the line of the Mexican International Railway and the fair grade of coke made from the Sabinas coal, Mexico is now able to smelt its own ores.

The outcry in Mexico against the circular of July 17, 1889, from the Treasury Department at Washington comes principally from men engaged in the silver-lead ore trade, who have suddenly lost their market and have large sums of money invested in mines; these men are principally Americans.

The railroads are also heavy losers in ore freights, and notably the Mexican International, the only railroad at present in Mexico said to be owned solely by American capital.

The table accompanying this report is entirely computed from data taken from the consular invoices of the past year; it shows total tonnage and value per month and for entire year ending June 30, 1889, also the amounts paid for railway transportation of the ore from various points in the interior to frontier, and as a valuable indication in determining average grade for one

year of this Mexican ore, the averages for each month and for entire year of the silver and lead are set forth.

The growth of this ore trade is well seen by taking for comparison the first and last months of the year under examination: July, 1888, 546 tons were shipped, and in June, 1889, 4,125 tons were shipped. The railroad freights for the last month of year are \$10,000 in excess of the value of the first seven months' shipments. The value of ore shipped increased from \$16,278.48 in July, 1888, to \$163,879 in June, 1889. An examination of the monthly averages of silver and lead shows that in the months of December, 1888, and January and April, 1889, the relative proportions and values are such as to make the ore dutiable upon a valuation for lead of 1 cent less than the New York prices. Four assumed ratings for lead were taken: (1) The value now in force at our frontier custom-houses of 1 cent less than New York price; (2) a value of 2 cents per pound (this value was for a time fixed by collector at El Paso); (3) 1½ cents per pound; (4) 1 cent per pound. The average monthly price for each month of the year for silver and lead, formed the basis of the computation. It will be seen that under an assumed value of 1 cent less than New York prices for lead 8,895 tons, or 44 per cent. of the annual tonnage, would have been dutiable the past fiscal year; at 2 cents per pound, 7,296 tons, or 36 per cent.; at 1½ cents per pound, 5,293 tons, or 26 per cent.; and at 1 cent. per pound but 557 tons, or 2 per cent., would have paid duty.

One of the chief difficulties encountered at our American custom-houses on the Mexican border is the rating or valuation of the lead in the ore. In the absence of a local market value for lead some ore shippers contend that cost at frontier should be regarded as equivalent to value. This rating, or substituting of cost for value, would not solve all the problems, for many tons of ore have been exported to the United States for their labor-fluxing possibilities, whose cost, excluding silver value, will exceed value of contained lead.

An effort has been made to procure data showing cost here at the frontier of a ton of average silver-lead ore, but without reliable results. Somewhat incomplete data would indicate that 1¼ cents per pound is the maximum value for lead at the frontier.

At present the Eagle Pass collector of customs is instructed to bond doubtful ores to their ultimate destination. The objection made by ore shippers that they can not risk paying railroad freights in the United States over a long haul on doubtful ores, that is to say, on ores the shippers are doubtful about, I attach no importance to, as shippers are not generally ignorant of the respective and relative values of the silver and lead in their ores. A more reasonable objection to bonding cars of ore to their destination in the United States is the impossibility to keep each car's contents separate and intact in cases where shipment in the United States is part by rail and part by water. This is the case with the ore shipments to Newark, N. J.

The circular of July 17, 1889, from the Honorable Secretary of the Treasury calls attention to the wrongful practice of mixing ores from several different mines. This practice was not general, and has ceased.

SHIP-BUILDING ON THE CLYDE.

Exportations of silver-lead ores from Mexico to the United States, through the port of Eagle Pass, Tex., for the year ending June 30, 1889.

Month.	Tons per month.	Value of ores in each month.	Railway freights per month.	Average percentage of lead.	Average ounces of silver.
1888.					
July	546.6	\$16,278.48	\$1,017.16	29.41	20.92
August.....	1,437.7	54,122.00	2,875.15	29.19	31.01
September.....	812.3	31,497.35	1,355.95	33.72	37.35
October.....	903.2	39,009.00	2,509.16	35.53	34.18
November.....	631.9	21,391.00	3,330.90	37.29	22.44
December.....	782.9	23,517.00	2,511.94	38.21	20.87
1889.					
January.....	1,096.2	26,603.00	5,701.54	40.28	15.46
February.....	1,237.6	35,058.00	7,688.22	34.55	28.89
March	1,679.6	54,262.00	10,825.54	34.58	28.16
April.....	3,337.9	106,649.40	21,350.42	42.27	23.45
May	3,435.3	130,268.00	24,828.86	33.97	31.05
June	4,125.3	163,879.00	27,838.23	34.08	30.22
Total for year	20,026.5	702,534.23	111,833.07	.....	.....

Average value of ore per ton, \$35.08; average freight paid per ton, \$5.58; average percentage of lead per ton for year, 35.67 per cent.; average ounces of silver per ton for year, 27.83 ounces.

EUGENE O. FECHET,

Consul.

UNITED STATES CONSULATE,

Piedras Negras, September 28, 1889.

SHIP-BUILDING ON THE CLYDE.

REPORT BY CONSUL BROWN, OF GLASGOW.

Ship-building on the Clyde is perhaps the greatest, or one of the greatest, industries of this city and of Scotland. Its importance simply as an industry is of moment to the people here; but this particular line of manufacture having more than a local significance, I take the liberty of forwarding to you a printed statement, a résumé of the condition, past and present, of that industry, from the Herald. It will be seen by the report that Clyde ship-building is in a most prosperous condition, indicating not only local prosperity, but, what is of much more significance, the maritime power of Great Britain and the evident care with which this particular industry seems to be fostered here.

L. W. BROWN,

Consul.

UNITED STATES CONSULATE,

Glasgow, October 4, 1889.

REVIEW OF CLYDE SHIP-BUILDING.

[Inclosure in Consul Brown's report—from the Glasgow Herald.]

Great activity has prevailed in the ship-building yards on the Clyde during the month which closes to-day. Many vessels which had lain on the stocks for a considerable time waiting the completion of the riveters' work on the hull have been finished and launched, the production being unusually great; and as the internal work had been well advanced prior to launching, the vessels have been completed and sent to sea in some cases in a remarkably short space of time. The employers, however, still complain of irregularity on the part of some sections of the workmen, otherwise the production would even have been greater, as many vessels only require a little work on the hull to make them ready for leaving the yards. In this respect the men are really acting against their own interests, for so long as the vessels remain on the stocks builders do not care to commit themselves for new work, and either return specifications or ask prohibitive prices. The most important contracts in the market are those for the first-class cruisers for the "new" British navy. These, as was stated in our last monthly review of the trade, are of over 7,000 tons displacement, with twin-screw triple-expansion engines to indicate 12,000 horse-power, and to give the vessels, under forced draught, a maximum speed of 20 knots an hour. Three of these vessels are building in the royal dock-yards, and the Fairfield Company are constructing the machinery for two of them, and the other six vessels, with the engines, are to be given out to contract. The admiralty have had the tenders for a considerable time, and have taken much longer than usual to decide the destiny of the orders. This is said to be due to the fact that the builders have asked higher prices than the Government is prepared to pay, but the tenderers contend that the increase in the contract figure does not even correspond with the advance in the prices of constructive material and of labor. In all probability some decision will be come to in a day or two. The admiralty have also in their hands tenders for the construction of the engines for the large battle-ships to be built in the royal dock-yards. The contracts for these may be issued shortly, and it is expected that soon thereafter the specifications will be issued for the large battle-ships to be built by private firms. The vessels in connection with the Canadian Pacific route to the east are still unsettled. There are other orders in the market, and many would be promptly closed but for builders asking large prices or refusing to bind themselves in the matter of delivery. Comparatively few contracts have been entered into during the month, the tonnage of ships newly ordered making up a total of something like 20,000 tons. In this way the work on hand has gradually been lessened, the reduction in the past three months being between 20,000 and 25,000 tons. At present there are nearly one hundred and fifty vessels in various stages of construction in the Clyde yards, and these make up a total of 273,469 tons. This is only some 10,000 tons less than at the beginning of the year, but is 70,000 tons more than at the same date last year. On that occasion, however, we were entering into a boom, during which the measurement of ships ordered was triple, and in some cases quadruple, the tonnage of vessels launched, the new orders booked in the last three months of 1888 making up over 70,000 tons.

The contracts booked in September total 20,270 tons, eleven vessels of various sizes having been booked during the month. These orders have gone, for the most part, to the smaller establishments, the work generally being of a second-class order. The largest contract is that booked by Messrs. D. & W. Henderson & Co., Partick, to build a large steel steamer for the opium trade between Calcutta and Hong-Kong. Three firms in the Glasgow district have booked orders for three vessels of about 8,000 tons, but we are not in a position to give details. The Abercorn Ship-building Company, Paisley, have received an order to construct a large awning-deck screw steamer 185 feet long and of about 700 tons. The vessel is to be supplied with powerful engines of 600 horse-power, and is for the foreign fruit trade. Messrs. James Hay & Co., Glasgow, have contracted with Messrs. John Fullarton & Co., Paisley, for the construction of two screw steamers of about 500 tons. Messrs. Muir & Houston, Glasgow,

are to construct the engines. The directors of the Manchester Ship-Canal Company have ordered a four-screw hopper dredger of 850 tons capacity from Messrs. Simons & Co., Renfrew. The engines will be two sets of triple-expansion of the most modern type. Messrs. Murray Brothers, Dumbarton, have contracted to build a screw tug to the order of Messrs. Kincaid & Co. (limited), of Greenock, who will supply the machinery. The vessel is for London owners. Port-Glasgow has shared largely. Messrs. Thomson, Dick & Co. have contracted with Messrs. Russell & Co., Port-Glasgow, to build a first-class steel sailing ship of 1,700 tons to be employed in their general trade. She will have a carrying capacity of 2,850 tons dead-weight. Messrs. Russell & Co. have also contracted with the Dundee Ship-owners' Company for the construction of a steel sailing bark capable of carrying 2,200 tons dead-weight, and similar to the *Glenmark*, launched by Messrs. Russell & Co. some months ago for the same owners. Mr. T. C. Guthrie, Glasgow, has contracted with Messrs. R. Duncan & Co., Port-Glasgow, for the construction of a large four-masted steel sailing ship as an addition to the Village line. Messrs. McKnight & Co., Ayr, are to build for Messrs. Bacon & Co., Liverpool, two screw steamers of 700 tons. Messrs. Muir & Houston, Glasgow, will construct the engines.

The vessels launched number twenty-five, and make up a total of 40,500 tons. Eleven are over 2,000 tons, and of these four exceed 3,000 tons. The largest was the Portuguese steamer *Mouambique*, of 3,500 tons, constructed by Messrs. Scott & Co., Greenock. There were three of 3,200 tons. The number of steamers was twenty, of 27,858 tons, while the sailing ships numbered five, aggregating 10,650 tons. Three of these exceeded 2,000 tons. The monthly total is the largest this year. Indeed, without exception, it is the largest since 1883—the year of plenty. The total, too, exceeds that of any of the corresponding months in the past twelve years, except in 1882, with 42,649 tons. For the nine months the aggregate is 239,195 tons, January having contributed 13,787 tons; February, 17,740; March, 19,991; April, 28,950; May, 34,729; June, 23,511; July, 23,884; August, 36,103; and September, 40,500 tons. The nine months' production is the greatest since 1883, being about 55,000 tons more than last year, nearly 94,000 tons over 1887, 98,000 tons over 1886, and 105,000 tons over 1885. The following table shows how the output for the month and for the nine months ending September compares with the figures in the corresponding periods during the preceding twelve years:

Year.	For September.	For nine months ending September.	Year	For September.	For nine months ending September.
	Tons.	Tons.		Tons.	Tons.
1889.....	40,500	239,195	1882.....	42,649	264,743
1888.....	35,805	184,335	1881.....	29,000	243,444
1887.....	17,220	145,800	1880.....	24,510	173,410
1886.....	29,401	141,896	1879.....	11,381	122,209
1885.....	16,521	134,029	1878.....	13,600	174,143
1884.....	36,589	218,833	1877.....	11,600	117,300
1883.....	31,450	293,077			

American manufactures in Cologne.—Under date of February 23, 1889, Consul Warner, of Cologne, transmits the following: The chief articles of import from the United States into this consular district consist of household and domestic machinery—apple parers, meat choppers and meat cutters, carpet sweepers, wringers, fruit and vegetable presses, and other articles of a similar kind, tools, especially of good make and practical use—wrenches, screw-drivers, hatchets, and all carpentry instruments; hickory and ash hand-

les for hammers; hay and manure forks, being much superior in make, as a rule, to those in Germany, find a ready sale; hardware of all kinds, agricultural and horticultural implements, especially of recent design and practical utility; automatic banks for collecting money for charitable purposes. There are also other articles imported, such as sewing-machines, pianos, linoleum, basket-ware, preserved fruit, and vegetables, but they all meet with severe competition.

GRAIN ELEVATORS FOR RUSSIA.

REPORT BY VICE-CONSUL WERTHEIM, OF MOSCOW.

Much has been written and a great deal more has been said about the many hardships and losses suffered by the grain growers of this country, owing to the want of adequate means for storing and transporting their produce. At certain periods of the year such quantities of grain are brought to the railway depots that a sufficient number of wagons for its transport is not to be had, nor are the railways prepared to store it. Piled up in sacks in the open, exposed to rain and snow, much of it becomes damaged and worthless. Such a condition of things is, of course, disastrous to the small farmer, who can not afford to store his produce, but is compelled to convert it into ready money, and is entirely at the mercy of the middle-men. There are many instances of advances being taken on the crops from these very middle-men, who, of course, have it all their own way as soon as the crop is harvested.

It is far from my intention, nor is it indeed my place, to heap hot coals upon the heads of these much-abused middle-men, or *koulaky* (meaning "fists"), as they are designated here. I am inclined to think that however hard they may be at a bargain they are too wise to attempt killing the goose that lays the golden eggs; and if they make big profits they run great risks, and must occasionally suffer losses.

Where to find the remedy was what greatly exercised the minds of the Russian national economists. At one time the formation of a large and powerful company, for the purpose of erecting American elevators and granaries at certain important railway depots where the grain could be stored and advances obtained on it at determined rates of interest, was proposed. I believe concessions were applied for, in order to form such a company; but the Government, fearing lest the remedy might become the greater evil by creating a monopoly, refused to encourage any such scheme. After a delay of about four years a happy solution of the question appears to have at last been arrived at.

The necessary sanction for the erection and working of elevators has been granted by a recent imperial edict empowering the Southwestern and the Riasan-Kosloff railways to construct fourteen of these elevators along their respective lines, one of them to be at Odessa. The intention of the Government is to leave the working of elevators to the railways, but not to the

exclusion of private undertakings of the kind, or by town corporations, municipalities, or other public bodies. Indeed, subject to the sanction of the minister of ways and means, the Riasan-Kosloff Railway is authorized to make over the management and working of its elevators to any such public body, as above mentioned.

The *zemstvos* (rural municipalities) are empowered to erect elevators, and although the Government does not wish to influence them, or to lay any pressure on them, it is certain that any initiative they may take with regard to this question will be viewed with favor.

Three different modes of introducing the adoption of grain elevators into the country are open to the Government. They are, either to construct them at Government expense, and to work them; to grant concessions, and thus encourage and create private enterprise; or to leave the construction of them to the railways. It is the latter mode that has prevailed, but the Government has reserved for itself the absolute right of appropriating all these elevators at any moment it may deem fit.

A scale of charges for the use of elevators has been fixed, and remains under control of the State.

The Government has evidently gone carefully into all the details of the question, and adopted every precautionary measure to prevent the creation of anything approaching to a monopoly.

To meet the cost of the construction of the elevators the Southwestern Railway has been authorized to make use of its pension fund, on condition that the money be repaid by annual installments spread over a term of twelve years, at an interest of $5\frac{3}{4}$ per cent. Should the revenues derived from the elevators prove insufficient, the deficiency shall be paid out of the company's general revenue. For the same purpose the Riasan-Kosloff Railway is authorized to issue a loan guarantied by the Government.

The elevator system so much needed in this country will now be introduced without the expenditure of any Government funds, and still a perfect control of the entire system is secured to the Government on conditions hardly suited to private undertakings of the same kind, and here is the reason for giving preference to railways.

As seen from the annexed chart the two railways—the Southwestern and Riasan-Kosloff—on which the elevator system is about to be introduced form but a small portion of the entire net-work of Russian railways, but it is hoped that the system will soon spread over all the lines traversing the agricultural districts of the country.

N. WERTHEIM,
Vice-Consul.

UNITED STATES CONSULATE,
Moscow, September 16, 1889.



WATER SUPPLY OF GUATEMALA CITY.

REPORT BY CONSUL GENERAL HOSMER.

After the great earthquake, which in the year 1773 destroyed the former capital of this Republic, and its site was changed from Antigua to the present city of Guatemala, the question of water supply naturally presented itself at once to the refugees who had selected it as their place of future residence.

The Government, then colonial and under the fostering care of the church, exercised its parental regard and consideration for the people by making arrangements for introducing water by artificial means from two sources.

The first of these was from the springs which spouted forth from the sierras on the southeast of the grand *mesa*, or table-land, on which the embryo city was located, at a distance of some 4 or 5 miles, flowing into a dam called La Presa de Pinula. This was during the year 1773. The second source of supply was brought a distance of 7 or 8 miles, from several springs beyond what is now known as the pueblo of Mexico, on the slope of the western Sierras, into a dam called La Presa de Belen. This was during the year 1794.

The aqueducts conveying these water supplies were constructed of brick and stone under the supervision of the monks, and show architectural skill in their solidity and strength. A portion of the aqueducts are underground, but in some places grand arches are exposed at an elevation of 20 to 30 feet above the barrancas which they span.

The interior space of these aqueducts is about 3 feet square, affording an abundance of room for the flowing water—much greater, indeed, than could be required for many times the number of the population which would probably become consumers.

But in course of time, from an incautious neglect, owing doubtless to a necessary entailment of expense, the aqueducts, and more especially the reservoirs from which the water supply is distributed, became by degrees filled up with mud and the debris collected along the flowing streams. This naturally not only impedes the flow, but renders it impure and at all seasons muddy and unfit for use save by filtration on the premises where it is required for daily drinking and lavatory purposes.

To this is added the fact that the water is conveyed through the city in earthen pipes laid alongside of square channels of cement which constitute the sewers, and consequently, no doubt, there is, to some extent, a percolation going on which does not add virtue or tone to the water, as a sanitary agent at least, when employed to assuage thirst, or even in culinary operations.

A great deal of commendable enterprise has been shown in behalf of the citizens of Guatemala, by the municipal authorities, who are under the immediate direction and control of the National Government, in the erection at

different portions of the city's outskirts of *pilars*, or large circular and covered water-troughs and fountains, with facilities for washing garments, as well as filling jars for home consumption. But in most of the residences, in all, indeed, of the better class, water is conveyed for domestic use of every character. Here the *pilar* plays a conspicuous part in the household economy, and is admirably arranged in an out-door *patio*, or court-yard, for its intended purposes.

The sewerage of the city is decidedly inefficient and inadequate for the needs of its population. Modern science has demonstrated a simple device in the tubular construction of sewer pipes so that they can be "flushed" by a comparatively small amount of water, and thus drained and cleansed expeditiously and thoroughly. But those of Guatemala, as has been already intimated, are merely square channels of cement, very small and easily choked.

During the rainy season, nominally between the 1st of May and the 31st of October, nature proves the most effectual scavenger, aided by the enormous flock of *zopolotes*, or turkey-buzzards, ever on the alert to swoop down and pick up the carrion and offal exposed to the outside air; but despite the heavy showers which at times flood the streets the sewers are not as thoroughly cleansed as good health demands.

For a long time the official as well as public mind of Guatemala has been awake to these palpable facts, above set forth in brief, and have sighed for a remedy which, while always really in their power, they seem to have continually procrastinated in execution.

Now, at least, however, as will be observed in the translated decree which follows, the Government has determined to give effective action to a long-cherished purpose, and it may be reasonably expected that an abundance of pure, sweet water will delight the hearts and invigorate the frames of the people, and that newly constructed sewers will afford a most salutary improvement to the sanitary condition of their beautiful city.

[Translation.]

NATIONAL PALACE, August 20, 1889.

Whereas the Government approved by the decree dated 9th of April the decree of the municipality of this city of 9th of March, concerning the negotiation of a loan not exceeding \$2,000,000 for the purpose of improving the water supply and sewerage, as well as the construction of a new market and the reconstruction of the municipal buildings; that, notwithstanding the efforts made by the municipality since the aforementioned date, it has been impossible to carry out the project as set forth in said Government decree, owing to the many details to which the obtaining of the titles is subject, and which are considered necessary as a guaranty for said loan, as well as the necessary delays inherent to enterprises where the opinions of a number of persons must be consulted; that the development reached by this city, and which is daily going on, makes the old aqueducts and buildings insufficient for the supply; that public health urgently demands a reform in the water supply, thus diminishing, as far as practicable, the deaths caused by an insufficient supply of this indispensable element of life, it being, therefore, one of the stern duties of the Government to attend to urgent public needs, though sacrifices be necessary to achieve these reforms; that the Government has at its disposal a tax levied for the reconstruction of the national palace, and, while said building is being rebuilt (owing to the urgent necessity of reform in the aforesaid water supply), the said

tax may be used for this purpose, with the understanding that the amount be promptly returned; therefore,

The President of the Republic decrees: (1) That the reform of the water supply of the capital be carried out by the Government, and once finished shall be placed under the control of the municipality, and (2) to defray the expense of said work the water tax shall be used, according to decree of 9th of April last, and whatever amounts may be left unpaid shall be paid out of the amount set aside for the construction of the national palace, the municipality being obliged to refund promptly all amounts so paid out, the general accountant's office carrying a separate account of these amounts for said purpose. Let it be duly published.

Signed by the President.

AUGUIANO.

The work, by virtue of the above decree, is now under preliminary arrangement. Col. Charles E. Bulkley, an army officer during our late civil war and subsequently the chief of the expedition to construct the proposed telegraph across the Behring Straits through Alaska, and who has been employed in engineering work in Guatemala for the past five years, has been secured by the Government to give his valuable services to the important undertaking. Its completion will add an almost incalculable value to property in this city, and be the means of largely increasing the number of the population, both in the preservation of life and additional inducement for immigration and settlement.

JAMES R. HOSMER,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Guatemala, September 5, 1889.

FROZEN MUTTON TRADE.

REPORT BY CONSUL RYDER, OF COPENHAGEN.

The importation of frozen sheep carcasses into England has now assumed such dimensions that very great importance may be attached to the influence it must sooner or later exercise on the salable value of all kinds of meat in that vast emporium for food supplies, and as one of the great enterprises of the present time it is well deserving of close attention in all meat-exporting lands. This severe competition in the trade would appear to have been accompanied by a large reduction in the stock of sheep in England, namely, of 7,000,000 head in the twenty years from 1868 to 1888, while the population in the same period increased about 7,000,000; the number of sheep in 1868 having been 35,600,000 and in 1888 28,900,000. It is estimated that the number of sheep annually slaughtered and consumed in England in the decade of 1879-'88 amounted to from 11,000,000 to 13,000,000, while the imports of live sheep from the Continent were from 750,000 to 1,100,000. Since the first beginning was made in the importation of frozen meat in 1880, with 400 sheep carcasses, this business has now increased to close upon 2,000,000 in 1888, the foreign imports of sheep flesh being estimated at 18 per cent. of the consumption, and it is mainly from New Zealand and the Argentine

Republic this trade is supplied. Of the 989,000 cwt. which were imported in 1888 499,000 cwt. were from New Zealand and 353,000 from the Argentine Republic. It may be noticed that the prohibition this year against the entrance of live sheep into England from Germany has resulted in changing the trade; for, whereas the weekly imports of March and April, 1888, were from 16,000 to 21,000 head of live sheep and 14,000 cwt. slaughtered meat, the imports in the same weeks of 1889 were 1,000 to 2,000 head live sheep and 25,000 to 29,000 cwt. slaughtered. In 1888 the imports of frozen carcasses from the three chief exporting countries were as follows: From New Zealand, 939,915 carcasses; from the Argentine Republic, 924,000; from Australia, 112,214.

With improved arrangements on board the ships engaged in the conveyance and in the freezing, etc., New Zealand will, without doubt, prove to be a still more dangerous competitor in the frozen meat trade. In 1886 the aggregate cost of freezing, freight, etc., was rated at £15 8s. 6d. per 1,000 pounds of meat, the same being brought down in 1888 to £11 2s. 4d., and a greater profit was thereby obtained when disposing of the meat at $4\frac{1}{4}$ d. per pound than in 1886, when the meat was sold at 5d., as will be seen by the following detailed accounts:

Expenses calculated upon 1,000 pounds of meat exported from New Zealand to England.

Description.	1886.	1888.
	£ s. d.	£ s. d.
Freezing	2 1 8	1 11 3
Bagging, etc.	1 0 10	1 0 10
Insurance	1 1 0	0 14 0
Freight	9 3 4	5 14 7
Expenses in London	2 1 8	2 1 8
Total	15 8 6	11 2 4

In the Argentine Republic this business is concentrated in a few hands. The export companies purchase the sheep at the markets, slaughter and freeze the carcasses in their own factories, freight vessels for the transport, and have warehouses in England, from which the sales are made. There are three or four large companies having representatives in the Republic, in London, and in Liverpool, and their transactions are on a steadily increasing scale. The Argentine Republic in 1888 granted an export bounty of \$6 per ton of frozen mutton and of \$20 per ton of beef. The price of sheep in the Republic is estimated at \$2.20 per head, from which, however, may be deducted 15 cents for the tallow and \$1 for the skin; the carcass, calculated to weigh 40 pounds English, will thus cost \$1.05; and the expenses of transport, etc., reckoned in gold dollars, are given as follows, viz: Carcass of 40 pounds, 84 cents; freezing, 42 cents; freight and packing, \$1.15; expenses in London, 42 cents; total, \$2.83, equivalent to $3\frac{1}{2}$ d. per pound in England, which would appear to be just about the point which the sales have realized of late in the English markets.

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The proportional prices between fresh British and the frozen carcasses are given as follows, viz:

Year.	Prime Scotch.	Prime English.	Prime New Zealand.	Prime Sydney.	Argentine Republic.
	<i>Pence.</i>	<i>Pence.</i>	<i>Pence.</i>	<i>Pence.</i>	<i>Pence.</i>
1883.....	9½	9	7	6½	.....
1884.....	8½	7½	6	5½	4½
1885.....	7½	7½	5½	4½	4½
1886.....	8½	8	5½	5½	4½
1887.....	7½	6½	4½	4	3½
1888.....	7½	7½	4½	4½	3½

The imported frozen meat so far would thus seem to have had slight influence on the prices of prime English or Scotch, while, on the other hand, the influence has been found to have been distinctly felt in the prices of the lower qualities; and the results of the increasing competition is plainly seen in the disproportion between the prices of the first quality and that of the lower kinds having been considerably enlarged.

Experiments are also now being made in the exports of frozen mutton from Texas, and South Africa, which possesses some 11,000,000 sheep, will likewise take part in this trade. How far it may be matter of doubt in many quarters as to the remunerative returns of this business, it is nevertheless a fact that it meets with greater development year by year, and is now an important factor in the market supplies; and every improvement in the quality of the meat and reduction in the cost of transport, etc., will tend to make the business more profitable, and even admit of the sales being made at still lower rates than the present; all of which, as before said, must be matter for reflection to all concerned in the rearing of live stock in this as well as all other meat-exporting countries.

HENRY B. RYDER,
Consul.

UNITED STATES CONSULATE,
Copenhagen, August 15, 1889.

COMMERCE AND AGRICULTURE OF HAMILTON, ONTARIO.

REPORT BY CONSUL ROBERTS.

EXPORTS TO THE UNITED STATES.

The exports to the United States from the consular district of Hamilton, Ontario, (which embraces the counties of Wentworth, Halton, Waterloo, and Brant at the head of Lake Ontario), are chiefly apples, barley, cattle, eggs, horses, malt, sheep and lambs, hides, wool, and turnips. The exports for the fiscal year ended June 30, 1889, show an increase in declared values of \$7,000 over the exports for the corresponding period of 1888. An increase is shown in the values of the exports of apples, barley, eggs, horses, malt,

peas, sheep, and the household effects of immigrants, but a slight decrease in the export values of cattle, lumber, hides, turnips, and wool.

Apples.—There was a largely increased exportation of apples to the North-western States, owing to a failure in the apple growth of that region, but there were also thousands of barrels exported to Europe through New York. The bulk of these exportations took place during the December quarter 1888.

Barley.—Since my last annual report there has been a marked falling off in the export of barley to the United States. The lessened demand is attributed by growers to the tendency on the part of American brewers to use inferior or mixed grades. For years there has been a demand for Canadian barley because of its bright color, imparting a brighter and richer color to the beer. But within the past year there has been a change so noticeable that growers of barley in Canada have been apprehensive that their trade with the United States was lost, permanently; and farmers have been considering the propriety of seeking a substitute in the English market by changing the method of barley culture from the six-rowed barley, universally grown in Canada, to the two-rowed barley, which is used in Britain. The United States brewers are using more corn and rice than formerly as substitutes for malt, and at the same time are getting better grades at home than they used to get. Consequently there is no demand for Canadian barley, unless it be sold at the same price as low-grade American barley. The crop this year is very promising, but the returns for the ensuing fiscal year will probably show a large falling off in the export to the United States.

Cattle.—There was a decrease in the exportation of cattle. From Hamilton 556 head were exported, of which 49 head were specially imported for breeding purposes. From Paris 134 head were exported and 38 from Galt, making a total of 728 head from the consular district.

Horses.—From Hamilton and the agencies connected with it 535 horses were shipped to the United States, of which 25 shipped from Hamilton were specially imported into the United States for breeding purposes.

Eggs.—The exportation of eggs was largely increased, the heaviest shipments being made during the December quarter, and mainly destined for the New York market or for export.

Sheep.—Of sheep and lambs 4,357 head were exported from Hamilton, 7,908 head from Paris, and 2,598 from Galt, aggregating 14,863 head from this district.

EMIGRATION.

There were issued from Hamilton and the agency offices connected with it household goods certificates to 536 intending emigrant settlers in the United States, carrying with them personal property and effects to the value of \$138,936.40.

WOOL.

The prospect is not bright for Canadian wool exports this year. The clip will not be in first-class condition, owing to continuous wet weather during

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the shearing season. Within the past ten years the wool product in Ontario has gradually declined, until it is less than half that of ten years ago. The small farmers have abandoned sheep raising to engage in dairying or other enterprises, being disinclined to engage in sheep husbandry at the prevailing low prices of wool. But with the decline in the wool quotations there has been an improvement in the prices for sheep and lambs, so that there is still profit in the industry if the farmers could be induced to take a less pessimistic view of it. The first shipment of this year's clip from this district occurred on the 26th of June. The next fiscal year's return will show a material falling off in the export.

TRANSPORTATION.

Beginning in the month of June, 1889, the Grand Trunk Railway Company put on a new special train between Buffalo and Toronto, making daily trips each way between the cities, for the accommodation of the mercantile community. The Hamilton Lake Navigation Company in June put on a new excursion passenger steamer between Hamilton and Toronto. They have now two fine steamers making two trips daily between the two cities.

NEW POSTAL REGULATIONS.

Within the past month the Dominion postal authorities have instituted a new regulation affecting postage rates. The rate on drop-letters has been increased from 1 cent per ounce to 2 cents, and the rate on registered letters has been increased from 3 cents to 5 cents, and on other letters reduced from 6 to 3 cents per ounce.

TRADE CONVENTION.

A merchant's convention will be held in Hamilton August 19 to 25, when the following subjects will be brought forward: (1) "In relation to bankrupt stocks and the best means of disposal so as to cause the least injury and annoyance to others in a similar branch of business in same locality;" (2) "Unjust compromises;" (3) "Insurance."

CROP PROSPECTS.

Crops in this county are in prime condition and the outlook promising. Fall wheat looks well and promises an average yield. Spring wheat will have a large yield. The estimated yield of timothy will be 3 tons to the acre. The barley yield will be above an average—some stalks measuring nearly 5 feet. Throughout the province of Ontario the crop reports are favorable. The severe frosts in the early part of June injured apples, and the yield will be materially reduced. The condition of live stock is good, with abundant pastures from timely and frequent spring rains. Sheep are reported in some localities in poor condition, owing to damp pastures and cool weather, many having been sheared too early.

The aggregate exports from this district, including the agencies at Paris and Galt, are exhibited in the following table:

Statement showing the declared exports between consular district of Hamilton, Ontario, and the United States for the year ending June 30, 1889.

Articles.	Quarter ending—				Total for the year.
	September 30, 1886.	December 31, 1886.	March 31, 1887.	June 30, 1887.	
Apples.....	\$1,405.00	\$40,283.50	\$7,466.85	\$1,782.00	\$50,937.35
Barley.....	2,607.00	378,712.12	244,866.14	54,405.64	680,590.90
Bran.....				4,608.75	4,608.75
Cattle.....	4,642.50	6,854.00	2,084.00	24,355.00	37,935.50
Cotton-waste.....	1,401.45	633.71	1,244.64	3,972.25	7,252.05
Eggs.....	45,973.80	125,469.50		7,613.20	179,056.50
Hogs.....	720.00				720.00
Horses.....	8,325.50	8,399.00	40,519.50	26,345.00	83,589.00
Household goods of immigrants.....	41,232.60	28,635.05	35,386.00	33,682.75	138,936.40
Lumber.....	4,171.47	11,342.01	875.45	2,736.21	19,125.14
Machinery.....	2,855.00	4,155.50	6,020.00	22,376.94	35,397.44
Malt.....			15,423.16	13,282.90	28,706.06
Paper stock.....			1,925.00		1,925.00
Peas.....		950.00	313.80	2,114.00	3,377.80
Potatoes.....				1,631.81	1,631.81
Saws.....	2,648.83	2,342.26	676.03	416.28	6,083.40
Scale and cinder.....	558.96	411.84	512.09	477.38	1,960.27
Sewing-machines.....	2,118.32	483.75	957.30		3,559.57
Sheep and lambs.....	13,490.15	35,138.20	4,934.70		53,563.05
Skins and hides.....	11,206.19	7,557.05	2,300.97	5,384.00	26,448.21
Turnips.....		14,166.90	4,930.00	566.00	19,662.90
Wool.....	16,589.56	37,629.39	22,147.04	5,256.49	81,622.48
Miscellaneous.....	13,744.59	24,444.33	16,868.69	15,291.00	70,348.61
Total for 1889.....	173,690.92	727,608.31	409,441.56	226,297.71	1,537,038.50
Total for preceding year.....	257,795.90	761,746.22	366,782.47	143,668.83	1,529,993.42
Increase.....			42,659.09	82,628.88	7,045.08
Decrease.....	84,104.98	34,137.91			

ALBERT ROBERTS,
Consul.

UNITED STATES CONSULATE,
Hamilton, July 16, 1889.

THE NEW DRY-DOCK AT HALIFAX.

REPORT BY CONSUL-GENERAL FRYE.

The completion of a granite dry-dock of the very first class at the port of Halifax is an event of more than local importance. For many years the question of constructing a large graving-dock at this port has been agitated. The want of such a dock at this point on the coast has at times been seriously felt, and it was believed that the benefits to be derived from it, especially to the city of Halifax, would be considerable. This being a naval station, its construction was a matter of consequence to the British admiralty, and not

less so to owners of merchant shipping vessels, Halifax being the third port of importance on this side of the Atlantic in the number of ocean steam-ships entering and clearing during the year. The following table, giving the number of arrivals of ocean steam-ships and their tonnage for the years indicated, shows the prominence of Halifax in that respect:

Year.	Number of steamers.	Tonnage.
1886.....	351	463,057
1887.....	336	456,253
1888.....	367	480,264
1889 (to June).....	223	285,000

To meet the requirements of the British navy the dock must have capacity sufficient for its largest ships, and in order to secure aid from the Imperial Government it must also be constructed of stone and be first-class in all respects. To build such a dock at this place, where, in order to get the required depth of water, an immense amount of solid rock must be blasted, both within the limits of the proposed dock and outside of it also for a distance of 400 feet to open a channel to deep water, was a costly undertaking. The co-operation of the Dominion and imperial governments was indispensable. Finally an English company was formed under the title of the Halifax Graving-dock Company, and a subsidy of \$10,000 a year was secured from the city of Halifax, and the same from both the Dominion and imperial governments, all for twenty years. A contract was made between the company and the city of Halifax, the result of which is a completed dock, one of the largest and pronounced one of the very best in the world. The site is at the northerly end of the city, near the admiralty dock-yard, a very convenient and well-sheltered place, easy of access, where vessels of any size with full cargoes aboard, or ships of war in full armor, can be docked at any season, in any weather, and at any state of the tide.

A quay with an area of 90,000 square feet is built on the water-side out of the excavated rock, upon which is erected a large warehouse for the storage of merchandise. There is ample room on the quay for the storage of coal or lumber. Sidings connect the dock with the Intercolonial Railway, so that in case a ship is disabled and a transfer of her cargo is necessary it can be transhipped by rail or by water as may be desired. The dimensions of the dock are as follows: Length in the clear at top, 593½ feet; bottom, 571 feet; width at top, 102 feet; width at bottom, 70 feet; draft of water at ordinary high spring tides, 30 feet.

Upon the westerly or land side is a considerable space, upon which a boiler and engine house of brick has been built, and a machine and smith's shop of wood. Five centrifugal pumps of capacity to discharge 40,000 gallons of water per minute can clear the dock in less than four hours.

The cost of the site was \$70,000, and the total cost of the works about \$1,000,000. The dock is of great value to Halifax, to the Dominion and

British governments, and to ship-owners at large. The citizens feel a just pride that the enterprise has been carried to successful completion, a result in part owing to the executive skill and energy of one of her own citizens, Mr. S. M. Brookfield, who was concerned in the contract and has personally superintended the construction from the beginning.

The following table, lately published in one of the local newspapers, showing the dimensions, material, and original cost of other docks on this side of the Atlantic, may be interesting in this connection :

Place.	Material.	Bottom length.	Top length.	Bottom width.	Top width.	Original cost.
		<i>Feet.</i>	<i>Feet.</i>	<i>Feet.</i>	<i>Feet.</i>	
Quebec	Stone.....	533	534½	72	100	\$600,000
Portland.....	Wood.....	390	425	45	100	} 300,000
Portland (2)	do.....	180	200	40	80	
Charleston Navy Yard	Stone.....	293	318	30	80	667,000
Boston	Wood.....	340	365	45	100	200,000
Boston (2)	do.....	240	250	45	75	} 150,000
Boston (3)	do.....	155	165	30	45	
Brooklyn Navy Yard.....	Stone.....	328	358	30	100	2,003,500
Cramp's, Brooklyn.....	Wood.....	465	500	52	124	} 783,356
Cramp's, Brooklyn (2).....	do.....	567½	600	46	115	
Cramp's, Philadelphia.....	do.....	415	430	45	111	300,000
Norfolk Navy Yard	Stone.....	261	290	30	86	946,000
Baltimore.....	Wood.....	437	450	45	111	365,500
Mare Island, California.....	Stone.....	438	475	30	104	2,500,000
St. John's, N. F.	Wood.....	558	.....	.....	.....	600,000

The dock was formally opened on the 20th of September.

WAKEFIELD G. FRYE,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Halifax, October 2, 1889.

UTILIZING THE FORCES OF THE RHINE.

REPORT BY CONSUL MONAGHAN, OF MANNHEIM.

In the year 1883 Carl Weiss, a civil engineer, conceived the idea of using the power of the River Rhine at Basel for the purpose of turning Switzerland's busy wheels of industry and for transmission to electrically arranged machines in Baden. His purpose was originally to confine it to a very limited neighborhood in and about Basel. The city government and Basel's stout burghers looked upon the new enterprise with a friendly eye. Examination, however, proved that other points than those in and on both sides of Basel offered much more favorable conditions for Mr. Weiss's purpose. For twenty years Weiss had been making himself familiar with electrical instruments used as transmitters of this new and wonderful force. It was therefore natural that his thoughts first turned to such instruments as the best and cheapest for transmitting the new powers about to be accumulated from the deep and rapid flowing river.

The rapidity with which Edison and others are bringing the dynamo and other machines to perfection; the possibility of adding electric light as well as power to his results where coal is frightfully dear, was more than enough to convince Weiss and his friends that electricity was of all means the best for carrying out their designs. There exists now a properly organized company, with good men and money, ready to carry Weiss's plans into effect.

The plane and trigonometrical work is finished, and was carried out with the utmost care. The Basel government assumed, I am told, a certain control or supervision of the work. (Governmental acts of 1886.) The works on the Swiss and German sides of the river have been all that could have been desired. The canal into which the water producing the power is to run is 4,300 meters (a meter is 39 inches) long and 39 meters wide, has in each side a water path for rafts, and near the turbine wheel basin a raft sluice through which also the fish have free ingress and egress. The basin of the canal, luckily, will pass over stone bottom. Mathematical measurement shows the canal to have a fall of 3.89 meters, or about 4 yards or 12 feet; a net fall of 3.54 meters, or nearly 4 yards, with a water flow of 200 cubic meters a second, is certain. This immense volume of falling water is to turn turbine wheels, and is expected to yield a useful effect of 75 per cent. The water-power is about 9,440 horse-power, of which the turbines are to take up and the wires transmit 7,000. This power is to be transmitted to the mills, factories, and workshops; and after allowing for a 25 per cent. loss in transmission 5,000 horse-power still remains to turn wheels and make light. The territory in the immediate vicinity of the new station requires 10,000 horse-power and about 3,000 horse-power to produce light. A large part of the power to be produced has already been subscribed for, and if success, as no doubt it will, crowns the efforts of the present enterprise, the experiment will be repeated on every mile of the Rhine from the hills of Switzerland to the plains of Holland. For centuries the old river has turned the wheels of grist-mills anchored on its bosom; until now, however, no one thought to gather its strength and apply it as above indicated. The works of the new enterprise cost a little over \$2,200,000. This sum was expended: 4 per cent. to buy land; 6 per cent., purchase of rights; 42.6 per cent., earth excavations, etc., wall building and stone work; 21 per cent., electrical apparatus; 7 per cent., turbines, sluices, and transmitters; 1.3 per cent., for machine or engine house and office; 1.1 per cent., to directors of work; 17 per cent., sundry expenses. The money required has long since been guaranteed, and is secured in the best possible manner. For the fisheries and land along the canal's course everything has been secured by contracts regularly entered into and made. A balance indicates the company's expectations.

YEARLY EXPENSES.

Machinery, interest, or amount towards decrease of debt, 170,000 francs; payment on $11\frac{1}{2}$ at one-half of 1 per cent., 57,000 francs; care, keeping, etc., of machinery, 60,000 francs; care of canal, 20,000 francs; payment of

help, 70,000 francs; laboratory, 10,000 francs; sundries, 13,000 francs; total, 400,000 francs.

INCOME.

For power: 2,500 horse-power for 3,000 hours at 0.08 francs, 600,000 francs; 2,500 horse-power for 5,000 hours at 0.08 francs, 1,000,000 francs. For light, 15,000 lights at 30 francs, 450,000 francs. Total income, 2,050,000 francs.

This shows a clear gain of 1,650,000 francs, or 14.34 per cent., on invested capital. The capital was paid in exchange for shares of 500 francs, or \$100, but which were put on the market at a nominal value of 110 per cent. Payments were made as follows, or to be made: 20 per cent. upon signing for shares, and the rest after publication during the two years' time of building, each time with 10 per cent. During this time the paid up or in capital draws interest at 5 per cent., more than most banks are paying. The division of the gains are to be as follows: Ten per cent. goes to the reserve funds, 5 per cent. to the directors, and the remainder as may be decided at meetings of the shareholders. Some of the best houses in Switzerland and Baden are interested in the project.

J. C. MONAGHAN,

Consul.

UNITED STATES CONSULATE,

Mannheim, August 28, 1889.

THE GERMAN LABOR BOOK.

The following copy of the revised laws which recently went into force in Germany respecting the employment of laborers and the duties of employers, known as the labor book, was transmitted to the Department by Consul Johnson, of Kehl, under date of September 4, 1889:

107. By requirement of the German imperial law persons under the age of twenty-one are only allowed to be employed as laborers on their being provided with a labor book. The employer must demand the labor book on engaging such laborers. He is required to keep the same, to produce it upon official demand, and to return it after the lawful expiration of term of service to the laborer. The above regulations are not applicable to children who are compelled to attend the common school.

108. The labor book is issued free of costs to the laborer by the police authorities of the place in which he had his last permanent residence; but if said place is not within the dominion of the German Empire, then by the police authorities in his first permanent residence in the Empire. The labor book is issued upon demand, or with the consent of father or guardian. If the declaration of the father is not to be had, or if the same refuses to give his consent without sufficient reasons and to the detriment of the laborer, the local authority can give consent. Before the labor book is issued it is to be proved that the laborer is required no more to attend school, and it is further represented and shown that a labor book had never previously been issued to him.

109. A new labor book will be issued instead of the old one if it is completely filled. If it is no more useful, or if it has been lost or destroyed, the issue is made by the police authorities in the place in which the owner of the book last had permanent employment. The filled

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or no more useful book is to be closed by an official remark. If the new labor book is issued instead of one which is no more useful, or that has been lost or destroyed, the proper remark is to be made in it, and in this case a fee of 50 pfennings (12 cents) for the issue must be paid.

110. The labor book (*see* paragraph 108) must contain the name of the laborer, place, date, and year of his birth, as well as his signature. The issue of the book is made under the seal and signature of the authorities. The latter is to keep a register of all labor books issued by the same. The arrangement of the books is regulated by the imperial chancellor of the Empire.

111. The laborer, when he enters the service of an employer, the latter has to enter on the place indicated for that purpose in the book, the time of entry, and the kind of employment. At the expiration of time of service the time of exit and, if employment has been altered, the work of the last employment is to be stated. These entries must be made in ink and signed by the employer. They are not allowed to contain any remark for the purpose of showing the holder's character in any favorable or unfavorable light. It is inadmissible to enter any judgment about behavior or actions of the laborer and other remarks not provided for by this law in the labor book.

112. An issue of a new labor book can be demanded at the cost of the employer, if the same has become useless, if it has been lost or destroyed by him, or if inadmissible entries or remarks have been made by the employer in the book, or if without lawful reason its delivery is refused by the employer.

An employer who, against his legal obligation, does not deliver in due time the labor book, or has neglected to enter prescribed remarks, or has inadmissible entries or remarks, is obliged to indemnify the laborer. The claim for the indemnity expires if it is not made within four weeks after it originated in the way of a suit or reclamation.

113. At his departure the laborer is entitled to demand a testimonial referring to the manner and duration of his employment; this testimonial, upon the desire of the laborer, can be extended to behavior.

114. Upon the demand of the laborer the police authorities of the place have to certify (free of charge) the entries in the labor book as well as the testimonials that may be issued to him.

146. Tradesmen disregarding ordinance paragraph 111 providing the entrance, with a remark for the purpose of showing the owner of the labor book in a favorable or unfavorable light, will be fined 2,000 marks, or \$476.70, and in case of inability to pay the fine will be imprisoned for six months.

150. For each violation of these laws the offender will be punished by a fine of 20 marks, or \$4.75, and in case of inability to pay the fine with confinement for three days, besides the case mentioned in paragraph 146 acts against the provisions of this law in reference to the labor law and labor cards.

United States and South African postage.—Under date of September 11, 1889, Consul Hollis, of Cape Town, says that the postage from Cape Town to the United States is now 6*d*. (12 cents), while 15 cents is charged from the United States to Cape Town. The consul reports the receipt of a letter, on the above date, on which 12 cents had been paid in the United States, on which he was obliged to pay 24 cents penalty because the full postage (15 cents) had not been prepaid.

COPENHAGEN MILK SUPPLY.

*TRANSLATED FROM THE DANISH OF DR. G. BORCH BY A. STEWART MCGREGOR AND
TRANSMITTED TO THE DEPARTMENT BY CONSUL RYDER.*

The Copenhagen Milk Supply Company, which commenced working in the month of April, 1878, has now existed for ten years. The object was to supply pure and unadulterated milk to the inhabitants of the city of Copenhagen, and especially to its infant population. It was decided by the company that any profits exceeding 5 per cent. payable to the shareholders should go towards reducing the price of milk and improving the business generally. It was also agreed that the members of the committee of control should have no monetary interest in the concern. The nature of the prospectus and the promises contained therein appealed to the public, and soon secured its confidence and support, which was fully justified by the efficient manner in which the committee of control carried on the daily analyses of the milk. This committee consisted of the late Professor Panum, Mr. Bille, formerly Danish minister at Washington, and the writer of this article. The daily analyses of the milk were made in the laboratory of the university, where they are still carried on according to the method prescribed by the late Professor Panum. On the death of Professor Panum Dr. Engelsted was appointed his successor in the committee.

To give a slight idea of the amount of work entailed by these analyses, I may mention that in one month, that of November, 1887, the chemist examined the milk and cream of forty farms with a stock of three thousand and seven cows. This entailed two hundred and seventy-four analyses of the weight and density of sweet milk, two hundred and thirty-three analyses of the density of skim milk, and eleven hundred and seventy-three analyses of the density of two qualities of cream.

Every evening samples are taken of the milk and cream sent in by each farmer who has contracted for the supply, and these samples are examined next morning in the company's own dairy, which is situated close to the railway station of Frederiksberg, a suburb of Copenhagen. By these means should any fault be found with the milk it may at once be rejected. Then, again, before the milk is sent out for delivery in the morning, an average sample is taken of each quality of milk and cream, and these are sent to the university to Mr. Bohr, lecturer on chemistry, who publishes monthly the results of his daily analyses, giving the highest, lowest, and average figures.

When taking the samples of milk on its arrival from the country its temperature is also noted. The contractors are bound by the rules of the company to cool the milk immediately after milking to 5° Reaumur,* so that even in the hottest season it can be transported to the city without its temperature rising more than a few degrees. If, however, on its arrival it is found that its temperature has risen above 8° Reaumur,† the milk is rejected by the company, and disposed of at the expense of the contractor.

One of the most important and at the same time most difficult tasks is to secure wholesome milk, for the above-mentioned analysis can only guaranty the chemical properties of the milk, but not its physical qualities, which, considered from a hygienic point of view, are of the greatest importance. In order, however, to insure the greatest security possible in this respect the following measures have been adopted: The only milk accepted is that which is supplied from farms which have a really superior and healthy stock of cattle, and besides this the company demand from farmers and managers a moral guaranty that its rules respecting the feeding and treatment of the cows shall be strictly attended to.

The price paid for the milk is the very highest obtainable, higher than the parties contracting can get for it anywhere else; thus the contractor would suffer a pecuniary loss were his contract to be canceled, and he has the highest inducement to comply with the regulations of the company.

* 5° Reaumur about 43° Fahrenheit.

† 50° Fahrenheit.

exercised over the work people connected with the company's own dairy and establishment at Frederiksberg. Dr. Schou and Dr. Bilsted, who are engaged by the company to watch over the health of its employes, are authorized to suspend from work any person in whose family an infectious disease has appeared. These people, though suspended from their work, are paid their full wages; and have thus no temptation to conceal any case of illness from the doctor. While we are writing three persons, acting under the doctor's orders, are in this way absent from their work. To show the care that is taken to prevent the spread of infection, it may be mentioned that last summer, when a case of typhoid fever broke out in the family of one of the functionaries living on the company's premises, to avoid the possibility of any germs of infection mixing with the milk in any way, a two-story cottage was hired, to one story of which the infected family was at once removed, while the other story was kept in readiness to receive any fresh case which might appear. Fortunately, however, it was not required. A specialty of the Copenhagen Milk Supply Company is the milk for children; its value is generally admitted by the inhabitants of the city, as shown by its still increasing sale; last year it went up to 1,275,000 Danish pounds.* As I have already stated, the cows yielding this supply are subjected to a more frequent and searching examination than the others, and special attention is paid to their winter fodder. In summer the conditions required for each kind of milk are the same—the fodder of the cows must consist of grass and clover only; other kinds of food, such as vetches, are not allowed, nor, on any account, are cows to be kept in the house during summer. As soon as a contractor, from want of pasture, is obliged to feed his stock in-doors his contract with the company is canceled, until he again can put his cows on grass. During winter the cows producing the children's milk must be fed only with hay, straw, oats, barley, and a small quantity of carrots. It has therefore been necessary to pay a higher price to the contractors for this quality of milk, but this extra expenditure, together with the cost of the careful bottling, is not covered by the slightly increased price paid for it by the public. The profit made by the company on this milk is thus less than that made on the ordinary sweet milk, but in the interest of the community this important kind of milk is sold as cheap as possible. Abroad it costs even twice as much as it does here.

It stands to reason that such a system as the one described above should have arrived at its present stage of perfection only by degrees and through experience, and it is only fitting that we should here mention the name of the man who has the chief merit that the results are so admirable. It is to the great ability, indefatigable energy, and unflinching interest of Mr. G. Busck that the Copenhagen milk supply has reached what may justly be termed its present ideal state. But, notwithstanding the great importance of the enterprise and the great support it has met with from the public, it has not as yet proved a great success from a commercial point of view, for it is only within the last year or two that a satisfactory dividend has been realized. In 1879 the sale of 3,900,000 pounds of milk and cream was effected, and in 1887 this quantity had increased to 10,800,000 pounds, but of this amount a considerable portion—in 1887 more than 1,000,000 pounds—has been sold at a reduced rate, viz, 200,000 pounds delivered to infant schools and similar charitable institutions at a very low figure, besides what has been distributed gratis among the very poor.

Besides the direct advantage thereby obtained there is an indirect advantage which is even greater. By teaching the inhabitants of the city what is really good and wholesome milk the whole milk trade has been roused to the necessity of supplying it, and the standard has been raised. In the lively competition which has thus arisen the Copenhagen Milk Supply Company occasionally suffers commercially. For example, the uninitiated have some difficulty in distinguishing between the red hand-carts of the company and those of its rivals, so closely do the counterfeit carts resemble the original. In this way milk of a quality inferior to that supplied by the company is at times palmed off upon the public; but this sometimes most troublesome difficulty it is confidently anticipated will soon be obviated.

* Milk is sold by the pound in Denmark; a gallon is about 9 Danish pounds, and a pound a little more than a pint English.

POSTSCRIPT.

On the 28th of February last Mr. Bang, lecturer on the veterinary science, in a very interesting and learned lecture delivered before the members of the Medical Society on the subject of tuberculosis in domestic animals and its relation to the same disease in man, emphasized more fully the remarks he had made on a former occasion concerning the contagious and dangerous nature of "tuberculosis of the udder." He stated that the milk of cows suffering from this complaint contains a greater number of bacilli than milk from cows suffering from ordinary pulmonary tuberculosis, even though in a high degree, when the udder itself is not affected. In the discussion which followed the lecture Mr. Bang further stated that tuberculosis of the udder is not difficult of detection, and that a diagnosis can be taken at a very early stage of the complaint, as it presents so many marked characteristics. The development of the disease, however, is so rapid that an early diagnosis is imperative, in order to avoid the great danger that would arise from mixing with other milk the milk of cows so affected. Owing to the rapidity with which cases of this kind develop, examination at long intervals is not sufficient. With regard to this disease, according to Mr. Bang, the only milk which can thoroughly be depended on as being free from any taint of infection is the milk for children sold by the Copenhagen Milk Supply Company, as the cows from which that milk is obtained are examined by a veterinary surgeon every fortnight.

After hearing Mr. Bang's lecture I felt it incumbent on me, as a member of the control committee, to bring under the consideration of the directors of the company the importance, and even necessity, of subjecting every cow supplying the company with milk and cream to this fortnightly veterinary examination. This motion was warmly supported by Dr. Engelsted, and after a consultation with Mr. Bang the directors adopted my motion, and ordered all cows supplying milk to the Copenhagen Milk Supply Company to be examined fortnightly, particularly as regards tuberculosis of the udder. This order is now carried into effect on all the farms connected with the company, though the additional expenditure thereby involved amounts to about £300 per annum.

UNITED STATES CONSULATE,

Copenhagen, September 21, 1889.

THE KRUPP GUN WORKS.

REPORT BY CONSUL PARTELLIO, OF DÜSSELDORF.

In the month of July, 1887, the date of the death of the elder Krupp, I forwarded to the Department a report giving facts as to the foundation and growth to its present extent of the well-known establishment at Essen, on the Ruhr, that bears his name, including a short sketch of the life of the deceased, with reference to the extensive "Villa Hügel," on the Ruhr, where he lived, and the village adjoining his works, in which dwell most of the employés of the establishment. I now forward a few additional facts, with detailed information concerning the plant of the works, also the general character of the work engaged upon at the present time.

PHOTOGRAPHS. *

Accompanying the same, herewith I forward a set of photographs, twelve in number, with bound cover, 18 to 24 inches each, for the library of the State Department, which were obtained by me after considerable trouble.

* Filed in the library of the Department of State.

THE NEW MANAGEMENT.

Upon the death of the elder Krupp it was feared by many that the great establishment would not in future enjoy that reputation and prosperity which it had for the last twenty years so well maintained, but to the surprise of many his only son assumed charge with the same spirit of energy and business-like management that made the father so famous throughout the world, and increased business and prosperity has attended his efforts. His first act after the death of his father was to donate to the city of Essen, now a place of about 70,000 inhabitants, the sum of 300,000 marks for public improvements, the next act being the creation of a fund of 1,000,000 marks for the benefit of poor, sick, and disabled workmen who had devoted their lives to his and his father's service, the providing of a pension for the support of those who should meet with accident while at work in his employ, and further assurances of steady employment to deserving workmen with fair wages, advantages of a home in his village, low rent, including benefits in the purchase of necessities of life from an established commissary, care of physicians, attendance free if disabled. Such interest shown has rendered it an easy matter to get the best and most skilled workmen at reasonable rates of pay. That this mode of treatment has resulted in much good to the works was verified during the recent labor troubles in western Germany, it being observed and remarked that while 100,000 workmen from a majority of the large establishments surrounding Krupp's under different organizations were on a strike, and while all work at the mines and said establishments was suspended, the Krupp works kept on the even tenor of its way undisturbed.

By a circular (received at this office from Mr. Fred. Krupp), dated April 13, 1888, the establishment has been placed under the following board of directors, viz: Alfred Longsdon, Richard Cohnheim, Wilhelm Gussmann, Hans Tencke, Ludwig Klüpfel, Fritz Asthöwer. These gentlemen have the full and entire management of all matters pertaining to the establishment, and receive salaries ranging from 80,000 marks per year downward. In addition, according to a circular dated May 8, 1888, the names of A. Minssen and O. Schnabel are included as having special power to sign all vouchers and other money papers pertaining to the daily business of the place.

CURRENT WORK.

The Krupps are at work for most of the great powers, except France, and have more contracts than they can fill. Protected by numerous patents and with labor-saving machinery, they are turning out every character and class of steel and iron work known, viz: Guns, gun-carriages in improved forms, including the famous gun for coast defenses, said to be the largest of the kind manufactured. When applied to recently to purchase for Germany the patent of the Pneumatic Gun-carriage Company, of Washington, they declined on the ground that they had better machinery of their own invention. In reply to a recent proposition for a number of first-class guns from a certain party,

they refused to do the work, at a loss of large profit, under information secretly obtained that the guns would ultimately land in France.

That the Krupp establishment has its secret agents in every important country there is little doubt. This was demonstrated in a measure during the recent visit to this office of an ordnance officer of the U. S. Army. This gentleman came to offer the works a contract for about \$25,000 worth of gun material at their own price. The offer was promptly declined with the information that the works would only contract for complete guns in large quantities. They were fully advised of the officer's visit, knew the character of his orders, his departure from home, his arrival here, and all about his business in general, and, further, refused him the privilege of inspecting any part of the works. Access to this establishment has been denied of late to every sight-seer, and only those admitted having business and under charge of an attendant.

I am pleased to report that I was allowed admission to every part of the works, even into shops and rooms marked "Entrance forbidden." Only by one skilled in mechanics, however, could an intelligent description or statement be made as to what was seen, and in the absence of such a technical education it is impossible to go very much into details.

EXTENT OF THE WORKS.

By reference to photograph No. 1 the extent and size of the works will be seen, covering a large area of ground, about 1,000 acres, divided by a broad roadway through the middle 150 feet wide leading to the Krupp village or colony beyond, containing about 8,000 houses, each with a small yard or garden.

The number of men employed in all the departments three years ago was 20,000; at the present time the number reaches 25,000 or over.

The management is conducted from a control office which is connected by telephone and telegraph with all parts of the works, then to the main office in Essen, and from that office by cable to all parts of the world — thus having the most direct communication.

MACHINERY AND APPLIANCES.

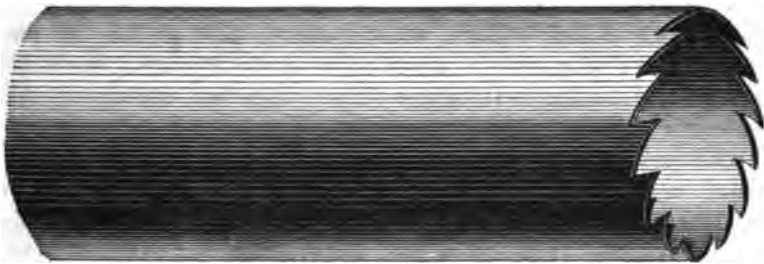
By the aid of the 100-ton hammer which I saw in full operation while visiting the shops and which, while working, causes a vibration of the earth to a great distance, the rolling of plates has been accomplished into long sections of heavy T rail made complete in ten minutes in sections 40 feet long.

New patent pneumatic gun-carriages are made and sold, claimed to be the best in existence, and recently a new process has been introduced for the boring out of large guns.

In one of the large gun shops have been erected two traveling cranes, said to be the largest in the world, and in process of completion a number of guns contracted for by the Italian Government for coast defense. These guns are about 40 feet long, weigh 225,000 pounds each, and are supposed to cost,

delivered, at the rate of \$1 per pound, or \$225,000 each. They are breech-loaders of 18-inch bore, with heavy rims or bands separately placed on the breech-cud, and are said to be the largest guns made. A light inserted at the muzzle revealed the most perfect and clean workmanship on the inside in the rifling process.

Instead of the old mode of cutting out the core a new plan has been invented to take it out in one section with improved tools, thus saving much labor and expense. This is accomplished by means of a cylinder-shaped tool, something in the style of the sketch herewith, which is worked, and



added to in sections, with well tempered teeth, and slow revolving motion, which in the hands of experienced workmen is done with thoroughness and success every time, mistakes seldom or never occurring, and the entire inside section of the gun or core taken out in one perfect piece.

PLANT OF THE WORKS.

Cast-steel works at Essen, three coal mines near Essen and Bochum, five hundred and forty-seven iron ore mines in Germany, several iron ore mines in Spain, four forges near Duisburg, Venwied, and Sayn, a trial shooting ground 16.8 kilometers long, a trial shooting ground 7.5 kilometers long, four ocean steamers, eleven large furnaces, fifteen hundred and forty-two smelting stoves, four hundred and thirty-nine steam-boilers in actual use, eighty-two steam-hammers (weight 10 to 50,000 kilograms), four hundred and fifty steam-engines (from 2 to 1,000 horse-power), sixteen hundred and twenty-two divers tool-making machines, fourteen large locomotive engines, forty small locomotive engines.

TOTAL OUTPUT.

The total production in 1884 of the Krupp works amounted to 260,000,000 kilograms, viz: Steel (crucible, cast, Martin, Bessemer, and puddle); iron (malleable, wrought, and fusion, consisting in axles for rails and carriages, steam-ships, and machines of all kinds); wheel tires for locomotives, railroad wagons, and mine wagons; rails, switches, syphering, etc., for railroads, tram-ways, etc.; spring-steel, spiral springs for locomotives; parts of machines of steel or iron; steel and iron sheets to 2,800 meters breadth, bridges, rolls of natural hard or chilled steel; coin stamps, and matrices, for coining

and embossing works; tools (steel), steel bars, and stone bore steel, rolled and forged of crucible, Martin, and Bessemer steel; angle steel, mass steel in fusion for all purposes; connecting-rods of several kinds, in crucible, Martin steel, iron in fusion, and forged iron, in any weight and form; pump bars for mines (iron and steel), stems, anchors, forged pieces for ships of war and trade navy; guns of all calibers (over 20,000 already sold), gun carriages, artillery vessels, shot, shell, and fuses.

CONSUMPTION AND SUPPLY.

Coal and coke, an average of 4,000 tons per day, 2,000 of which are used in the forge works and steamers; water, about 18,834 to 26,898 cubic meters per day; gas, about 13,350 to 42,700 cubic meters per day. In all forges are daily wrought 1,400 to 1,500 tons of iron ore of their own mines. About 3,000 tons of coal are forwarded every day.

To forward the material at Essen there are in use 43.43 kilometers normal tracks of railway, with fourteen tender locomotives and five hundred and thirty-nine cars; 25.75 kilometers narrow tracks, with fourteen locomotives, three hundred and forty-four wagons, sixty-nine horses, with one hundred and ninety-one carts; 65 kilometers telegraph, with thirty-five stations and fifty-five Morse apparatus.

The establishment owns for its own use one chemical laboratory, one photograph and lithograph workshop, one book-printing house (with three steam and six hand presses), and a book-bindery. The perpetual fire company consists of sixty-three men. There are thirty-two places where notice can be given in case of a conflagration.

To the "consume-house" belongs one hotel, eight beer-houses, one seltzer water fabric, one mill (with steam-engines), one baking-house, one slaughter-house, one tailor and three shoe-maker workshops, forty-six sale houses (thirty-five at Essen and colonies and eleven at the mines) for the sale of colonial products, manufactured goods, shoes, meat, bread, potatoes, etc. The circulation of wares in the consume-houses in 1884 amounted to 3,781,000 marks.

In accordance with the last inventory the total number of all persons employed at the works was 25,605, of which 11,211 are in the cast-steel works and 8,394 in the mines; including the families of the employés, the total number is 65,381. In the buildings of Krupp are dwelling at present 18,698 persons.

D. J. PARTELLO,
Consul.

UNITED STATES CONSULATE,
Düsseldorf, July 20, 1889.

COAL PRODUCTION IN FRANCE.

REPORT BY COMMERCIAL AGENT GRIFFIN, OF LIMOGES.

Attention has recently been called to the production of coal in France, and the satisfaction is very great over the fact that the home mines have produced more than their ordinary yield the past year. This increase has been due to two facts not generally considered by the French people themselves, but is apparent to the student of the question, viz: The industries of France have been more prosperous, and, as many of these have been in the line of manufactories, there has been a corresponding increase in the amount of fuel employed to supply not only the larger number of engines, but to meet the demands of special branches of manufacture that now employ coal instead of wood, which was formerly used. Next, the strikes that have taken place at the English, Belgian, and German mines have limited the supply at different times in those directions, and consequently the French mines have been the gainers.

The following information has been gained from recent publications on this subject and from conversations and correspondence with different coal dealers and mining companies. The average consumption of coal in France is about 30,000,000 tons per year; for the last two years this amount has been slightly increased, as, for example, in the year 1887 the consumption was about 31,000,000 tons. Of this amount 21,288,000 tons were mined in France, the balance being imported. We see from this that France produces but two-thirds of the coal that she requires, and that she is dependent for at least one-third of her supply on importations.

The average production in other countries for the same year was: The United States, 118,000,000 tons; England, 165,000,000 tons; and Germany, 80,000,000 tons.

The output of the French mines was for a long time not more than 20,000,000 tons annually, but the report for 1888, which has been recently published, gives the amount for that year as 23,000,000.

There is of necessity an antagonism to English coal, which, with such ready access to French ports, finds a better market in France than any other foreign coal. Next to English coal are the products of the Belgian mines, which lie so close to the manufacturing centers of France. The different canals in many instances run directly from the mine to the manufactory, affording cheap and easy transit. On account of the recent strikes in those mines German coal has found quite a market in France, but the long distance which most of this coal has to be carried, together with national prejudice, militates against the extensive use of this coal, even though it is mined cheaper and is often sold at a lower price than the home product.

As a general thing there has been a downward tendency in the price of coal for several years. The average price paid for foreign coal imported into

France for several years was 15 francs per ton; in 1887 it was reduced to 13 francs. This forced the French companies to reduce their rates, so we see that the price at the mine, which was in 1883 12.83 francs, was reduced in 1887 to 10.63 francs, a reduction of 2.20 francs per ton. From this it will be seen that foreign rates govern the home market. Without doubt large sacrifices have to be made, and the great economic question is, how shall these sacrifices be made, and who must make them?

Owing to the improved appliances used in mining, the companies can produce the coal much cheaper than formerly, but there is another point to be considered, viz, hand-labor, which must not be touched and can not be interfered with without serious disturbance. It is therefore a very difficult question which the companies have to solve. In order to produce the twenty odd million tons, the estimated value of which is 225,000,000 francs, there are employed in the mines of France 92,300 men, 3,200 women, and 7,700 children. This number is smaller than it was in 1884, although the quantity of coal produced is greater, which shows that the mining facilities have been improved. This is the reason why the companies have been enabled to reduce the price 2 francs per ton. This hand-labor has received as its remuneration 110,000,000 francs, which makes an average of 3.72 francs per day for the laborer, or 1,067 francs per annum. This is only an average, for different wages are paid according as to whether the workman labors within or outside of the mines. If these figures are compared with those of 1884, it will be found that the wages have varied very little, in spite of the average increase of the production by the workmen per annum. In 1884 the average number of tons taken from the mines by a laborer was 190; in 1888 this had increased to 206 tons.

One of the directors of the great mines being asked, after recounting these facts, why there had not been an increase in wages, replied:

Because we are kept down by foreign mine owners, who lower their prices as our methods for mining coal are perfected, thus forcing us to lower prices in order to compete with them. If, under these circumstances, we raise the men's wages, the equilibrium will be lost and foreign coal will be brought in at the rate of 12,000,000 tons per annum instead of nine or ten millions, as now, which will be to the great prejudice of the miners, who will see their work reduced. The English, Belgian, and German competition keeps us down so close that we have very little liberty of movement. Our rule is to pay 46 per cent. of the price of coal for hand-labor.

The facts here given show the attitude of the coal companies. It also shows the great dread that the coal industry has of foreign competitors. It reveals, further, how labor is dependent in certain cases on, and must submit to being governed by, outside circumstances, which circumscribe this as well as many other industries within strong but narrow circles. Finally, it is seen that it is necessary to calculate very closely all the probabilities, as the margin for profits is very small. The problem is not what many would like to make it, "an antagonism between French capital and labor," but it is a life and death struggle between French companies and workmen on the one side and foreign competition on the other. It is necessary that each party, both companies

and workmen, should understand the exact position of one another, in order to avoid a misunderstanding which would be fatal to both and would put the coal supply of France at the mercy of foreigners. There are movements being put on foot, and finding great favor in France, that will bring the companies and workmen into closer relations with each other, and both seem resolved to take from the foreigners as little as possible of the 9,500,000 tons of coal, valued at about 130,000,000 francs, now annually imported, which sum they seek to retain in France, and they will make all efforts to reduce that import to one-third or one-fourth its present proportions. But there are other facts to be noticed in connection herewith. The natural composition of almost every variety of French coal is such that it is unfitted for certain industries. The heavy gases and large residue of ashes make the use of these varieties impracticable. This is a noticeable fact in the porcelain factories of Limoges, the new style of furnaces calling for long, reverse flames, and not over 3 or 5 per cent. of residue. These use only certain English and Belgian varieties. It is also a fact that for ordinary heating purposes the above-mentioned varieties are always preferred, as there is little or no smoke and a greater quantity of caloric to the given amount of coal. It is very certain, even under the most favorable circumstances, that there will always be a demand in France for foreign coal.

WALTER T. GRIFFIN,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Limoges, September 3, 1889.

BELGIAN COAL MINES.

Comparative table of Belgian coal mines for the years 1887-'88.

Provinces.	No. of mines working.	Laborers.		Total expenses.	Average cost price, per ton.
		Number..	Average annual wages.		
Hainaut:					
1888.....	184	76,635	\$164. 28	\$20,995,830. 20	\$1. 50
1887.....	180	75,322	151. 89	19,595,824. 80	1. 45
Namur:					
1888.....	13	2,332	151. 50	559,739. 95	1. 30
1887.....	14	2,025	140. 89	462,108. 97	1. 29
Liege:					
1888.....	71	24,510	182. 96	7,296,334. 10	1. 51
1887.....	74	23,392	175. 63	6,756,177. 30	1. 48
Total for Belgium:					
1888.....	268	103,477	167. 72	28,851,904. 25	1. 50
1887.....	268	100,739	157. 29	26,814,111. 07	1. 46
Increase, 1888.....		2,738	10. 43	2,037,793. 18	. 04

Comparative table of Belgian coal mines for the years 1887-'88—Continued.

Provinces.	Total production.	Total value of product.	Average selling price, per ton.	Balance-sheet.	
				Profit.	Loss.
Hainaut :	<i>Tons.</i>				
1888.....	13,993,140	\$22,692,406.35	\$1.62	\$2,084,689.50	\$388,113.35
1887.....	13,470,060	20,886,608.80	1.55	1,536,791.45	246,007.45
Namur :					
1888.....	428,173	540,107.80	1.26	9,185.26	28,817.41
1887.....	359,255	441,497.73	1.23	6,358.19	26,969.43
Liege :					
1888.....	4,797,168	8,036,973.55	1.68	830,228.10	89,588.67
1887.....	4,549,309	7,172,985.89	1.58	546,875.16	130,462.56
Total for Belgium :					
1888.....	19,218,481	31,269,487.70	1.63	2,924,102.86	506,519.43
1887.....	18,378,624	28,501,092.42	1.55	2,090,024.79	403,439.44
Increase, 1888.....	839,857	2,768,395.28	.08	834,078.07	103,079.99

GEO. W. ROOSEVELT,

UNITED STATES CONSULATE,

Consul.

Brussels, September 16, 1889.

NEW SOUTH WALES COAL EXPORTS.

REPORT BY COMMERCIAL AGENT DAWSON, OF NEWCASTLE.

The export of coal from the port of Newcastle, New South Wales, for the half-year ended June 30, 1889, has been as follows, viz:

Countries.	Tons.	Value.	Countries.	Tons.	Value.
Victoria	400,160	\$1,010,202.67	Solomon Islands	480	\$1,187.43
New Zealand.....	79,395	203,643.56	Antofagasta	4,505	12,054.32
South Australia.....	76,060	127,755.36	South Sea Islands.....	3,642	9,747.60
Queensland.....	2,767	6,662.24	Ceylon	1,888	5,056.29
Tasmania	25,690	61,459.03	Iquique.....	4,612	12,341.44
Western Australia	8,578	22,960.15	Molendo.....	1,249	3,338.42
Hong-Kong.....	32,512	86,044.59	Macassar.....	3,740	10,005.52
Java	46,050	123,248.98	Haiphong	933	2,496.51
New Caledonia	5,434	14,258.85	Yokohama.....	1,003	2,686.31
Singapore	23,768	62,145.21	Sumatra.....	4,560	12,200.32
Mauritius.....	10,657	27,933.71	Guam	2,528	6,774.17
Fiji.....	4,669	12,492.31	Penang.....	1,654	4,428.52
United States.....	132,499	353,945.41	Port Natal.....	487	1,304.22
India.....	51,553	137,975.01	Bangkok.....	725	1,941.73
Philippine Islands.....	37,176	99,257.13			
Peru	12,803	34,265.03	Total.....	1,102,704	2,793,239.62
Sandwich Islands	11,853	31,724.71	All other exports.....		531,582.39
Mexico.....	6,371	17,057.08			
Chili	102,703	274,645.79	Grand total.....		3,324,822.01

THOMAS M. DAWSON,

Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,

Newcastle, N. S. W., August 15, 1889.

AGRICULTURE AND STOCK RAISING IN CAPE COLONY.

REPORT BY CONSUL HOLLIS, OF CAPE TOWN.

The complete returns for the various districts of this colony having been received from the officers specially designated for this purpose, I am enabled to lay before you a digest of the returns from seventy districts, covering a wide area and with greatly varying climatic conditions.

It must be understood that agriculture is not carried on in this colony in the most scientific manner, nor are the more modern implements as freely used as could be wished, while the absence of water is a serious drawback; still, a perusal of the returns will show a gratifying and healthy condition of both agriculture and stock raising, and that, despite all drawbacks from these and other causes, and the careless manner of tilling the soil and management of stock, the prosperity of the country is increasing, and a little more enterprise infused into the farmers and stock raisers would soon put them beyond the necessity of importing breadstuffs, if it did not, indeed, give them a surplus for export.

WINE MAKING.

The vineyards have yielded above the average, while the great advance in the price of wine and brandy—as much as 300 per cent. on the latter—has given a profitable season to the viticulturist.

Notwithstanding the stringent laws enacted for the exclusion of plant or bulb through which the dread phylloxera might be introduced into the colony, it has made its appearance, together with the diosthera, or Australian bug, which latter has practically ruined the orange groves, as the former seem destined to do with the grape.

Those conversant with the formidable nature of this enemy of the vine hardly have hope of measures for the eradication of the scourge, and base their hopes of a successful issue on the use of American vines. This infliction is particularly severe at the present time, when the colony has just entered upon a new era in the manufacture of wines, and the stigma that had so long rested on Cape wines seemed about to be removed. To bring about the successful manufacture of wines the Government had secured the valuable services of Baron von Babo, a gentleman thoroughly versed in all the details of the vineyard and in the manipulations of the fruit in the process of its manufacture into wine. During the grape harvest last season I visited one of the largest vineyards, some forty miles from the city, and had the good fortune to meet the baron, who was superintending the wine making and instructing the proprietors of the vineyard in the process of wine making. The old process consisted in using the vats that had been stored unwashed and which were coated with the accumulated dirt of a year. The grapes were thrown in whether ripe, unripe, or decayed, upon which native men and boys danced until the juice was expressed. The process begun in dirt continued in dirt through the various stages.

Under what is called the "new process" the grapes are carefully watched and frequently tested to ascertain when they have arrived at the proper percentage of sugar. The fruit is then carefully picked, the unripe and decayed berries removed, and the grapes crushed and pressed by machinery. Careful attention is given to all the details, with the result that the wines so produced bid fair to find their way into the English and continental market. The light wines of the Cape have about double the percentage of alcohol that the light wines of France and Germany have, and for this reason would seem to be better adapted to a cooler climate. The vintners deserve especial commendation for their efforts in raising the character of their products, some of them paying double the market price in order to procure well-selected fruit. As showing the fertility of the soil and the vigor of the vines, I may remark that many of the vines in the vineyard I visited were planted nearly two hundred years ago and were still bearing excellent fruit, though perhaps not yielding so much as the younger vines. The method of vine culture here is peculiar, the stocks being planted in rows 3 feet apart, and about the same distance in the rows. The stocks are kept 12 to 15 inches high, and grown unstaked, the shoots being trimmed frequently with the sickle. The best authorities are of the opinion that if the vines were grown to stakes 4 to 6 feet high the vines would bear more heavily, with less percentage of sugar, and the light wines would therefore contain less alcohol and compare favorably with those of Europe.

SHEEP AND WOOL.

The growth of wool engages largely the attention of the colonial farmers, and the character of the clip is steadily improving. The greatest drawbacks are the presence of scab in the sheep and the careless way of sorting the wool after shearing. So many qualities of wool are grown on the same sheep that only a careful selection of the various portions of the clip can bring the wool up to the desired standard. A scab act is in existence, but, owing to the prejudices of the farmers, it is of the local option order, and the full value of the law is not realized. The provisions of this law have just been extended, from which much benefit may be expected. A law general in its nature and compulsory in its terms will alone eradicate this scourge from the country; as it has done already in Australia.

CROP RETURNS.

In the collection of these statistics visits were made to eleven thousand five hundred homesteads. Rust has been reported in only fourteen divisions. In the western and along the south coast the rain-fall was extremely heavy; in most other parts extremes of heat and cold, with high winds and scanty and late rain-falls, were observed. Cattle, horses, sheep, and goats appear to be in prime condition throughout the colony.

The following digest will give a comparative result of the yield of 1888 and 1889, which, I trust, may be of interest, especially to manufacturers of farm implements and machinery, of which articles this country will be large consumers, and whose trade we should endeavor to secure. It should be borne in

mind that South Africa is now advancing more rapidly in one year than she formerly did in ten, and they should act accordingly and be prepared to take their share of colonial trade. Our goods, as a general thing, are well known and much liked, and if they were not so long en route our trade would be much greater.

Agricultural returns for the years 1888 and 1889.

Articles.	1888.	1889.
Cereal, etc., production :		
Wheat.....bushels.....	3,811,938	3,659,789
Rye.....do.....	399,374	437,761
Barley.....do.....	747,099	863,259
Oats.....do.....	1,229,543	1,595,182
Corn.....do.....	2,214,217	2,715,952
Millet.....do.....	696,815	1,135,891
Peas, beans, and pulse.....do.....	145,639	153,455
Straw.....tons.....	66,336	66,288
Potatoes.....bushels.....	748,763	854,119
Pumpkins.....number.....	5,692,422	5,818,312
Dried fruits.....pounds (?).....	1,973,611	1,681,175
Wine.....gallons.....	69,698,938	86,069,099
Brandy and spirits.....do.....	1,406,519	1,211,675
Tobacco.....pounds.....	4,693,881	5,943,331
Oranges.....number.....	16,172,905	13,085,482
Live stock :		
Horses.....do.....	266,120	295,370
Cattle—		
Draft.....do.....	345,168	445,595
Other.....do.....	928,871	1,057,596
Sheep—		
Wooled.....do.....	11,162,138	12,308,443
Other.....do.....	1,015,147	2,155,000
Goats—		
Angora.....do.....	2,428,894	3,071,527
Other.....do.....	1,808,550	2,055,940
Pigs.....do.....	142,479	166,835
Ostriches.....do.....	152,415	149,634
Agricultural machines in the colony :		
Plows.....do.....	52,112	56,828
Harrows.....do.....	16,808	18,000
Threshers.....do.....	569	298
Reapers.....do.....	1,302	1,461
Winnowers.....do.....	437	480
Corn cleaners.....do.....	1,398	1,457
Straw cutters.....do.....	1,176	1,317
Grain crushers.....do.....	876	1,017
Other machines.....do.....	1,085	2,445

Rain-fall: Lowest, 13 inches; highest, 41 inches; mean, 24.5 inches.

PRICES OF FARM PRODUCTS.

The following statement gives the average prices of farm products for the past year, which were slightly in advance of the previous year, grapes alone showing much advance in price, they bringing nearly double the price of the previous year :

Per bushel.—Wheat, \$1.50; barley, 75 cents; rye, 75 cents; oats, 65 cents; corn, \$1; potatoes, \$1.75; peas and beans, \$1.50.

No. 109, October—5.

Per leaguer. — Wine, first quality, per leaguer of 126 gallons, \$30; wine, inferior, \$12; brandy, first quality, \$45; brandy, inferior, \$40.

Per head. — Saddle horses, \$100; draft horses, \$85; mules, \$80; asses, \$20; draft oxen, \$25; milch cows, \$60; wooled sheep, \$3; swine, \$5; goats, \$3.

Per pound. — Washed wool, 28 cents; unwashed wool, 14 cents; butter, native, 20 cents; butter, imported, 60 cents; tallow, 5 cents; soap, 6 cents.

Per piece. — Hides, \$5; sheep-skins, 42 cents; goat-skins, 60 cents.

A very superior article of raisins was made here last season, which commands a good price. The amount cured was about 200,000 pounds.

MANUFACTORIES IN THE COLONY.

Boots and shoes, 132; bricks, 72; printing, 58; wagons and carts, 263; confectionery and jams, 27; fish curing, 85; guns, 10; tanneries, 39; boat building, 13; breweries, 6; saw-mills, 18; bread and biscuit, 213; iron and tin, 109; saddleries, 120; baskets, 31; cooperages, 25; tobacco, cigars, etc., 49; sail making, 25; hats, 4; soap, 10; distilleries, 54; wool washeries, 30.

GEORGE F. HOLLIS,

Consul.

UNITED STATES CONSULATE,

Cape Town, September 10, 1889.

DANISH PORK PRODUCTS IN ENGLAND.

REPORT BY CONSUL RYDER, OF COPENHAGEN.

The raising of swine for the production of bacon and hams for the English markets has, in the course of a few years, attained a dominant position. The exports of pork in 1877-'78 only amounted to 8,500,000 pounds; in 1886-'87 the exports amounted to 50,000,000 pounds, and in 1887-'88 to 80,000,000 pounds. In 1887 the value of the Kingdom's exports of hogs, pork, bacon, and hams had reached an amount closely approaching to the butter exports, namely, 33,000,000 kroners of the former to 40,000,000 kroners of the latter. In all probability the hog and hog exports in a short time will be as large a factor as butter in Danish agriculture.

While, however, with the butter supplies the work from year to year has been well carried on and with highly satisfactory results, inasmuch as the finest qualities of butter from the large estates, as export wares, are now placed in the very foremost rank as compared with similar produce from all other competing countries, and the large quantity of butter from the small holdings, through the medium of the union dairies, has made great steps in advance in quality (a position, however, which has only been maintained by the constant and energetic labor of all parties concerned, official as well as private). On the other hand, the standing of Danish pork products in the

English markets can not be said to have attained a prominent position for quality, and a good step in advance is still to be won before it will be found to take a position side by side with its Irish competitor. The great consumers of Danish bacon at present are mainly to be found among the factory and laboring classes of the English population, while in the west end of London it would be vain to attempt to induce the retail dealers in that great aristocratic center to deal in any other article than the best Irish product. Taking, for example, the weekly average quotations of the London market for the period from January 1 to the end of May last, the results of a comparison between the Irish brand of "Waterford" and that of "Continental," under which latter denomination the Danish bacon may be included, there have been paid as follows, viz:

Bacon.	Waterford.	Continental.
	<i>Shillings.</i>	<i>Shillings.</i>
Sizeable.....	62.7 to 64.2	57.1 to 60.1
Stout and heavy.....	57.1 62.9	51.9 57.9

These prices will in every case relatively be in accordance with the following prices per pound of live weight of hogs in Denmark, viz:

Per hundred-weight.	Per pound.		Per hundred-weight.	Per pound.	
	<i>Öres.</i>	<i>Cents.</i>		<i>Öres.</i>	<i>Cents.</i>
712.....	33½	8.98	61.9s.....	29½	7.90
69s.....	32½	8.71	60.1s.....	28½	7.64
64.2s.....	30½	8.17	57.1s.....	27	7.24
62.7s.....	30	8.04	51.9s.....	24½	6.56

In the price differences between the best Irish and the lower class Danish bacon there will thus, on an average, be a difference of 6 öres per pound live weight; and, taking again an average of the lowest and highest quotations for Waterford and continental bacon during the twenty weeks, these will have been: For Waterford, 60.6s.; for continental, 56s., which corresponds to the pound of live weight, viz, in Denmark, respectively, of 28¾ and 26¾ öres. Supposing that the Danish bacon could have been sold in England at the same price as Waterford, there would then have been obtained by the export slaughter-houses 2 öres more per pound of live hogs; and with a yearly export of 90,000,000 pounds of pork (corresponding to about 150,000,000 pounds live swine) such price difference between the Irish and Danish bacon will amount to a matter of about 3,000,000 kroners a year.

There is plainly a feeling among Danish agriculturists that some ground has to be covered in this branch, which has so large a money value, and that, as they have been able in the last twenty years to bring their butter produce into such high repute in the foreign markets, there can be no reason why they should not be able to do the same for their pork products. To arrive at a clear understanding on this point the cause of the inferior position taken by

this produce must first of all be sought for, and in what manner this can be overcome; whether it may be attributed to a certain prejudice on the part of the foreign consumers or to some fault in the mode of curing; or, again, to the breed of hogs and mode of feeding. On the latter point it may clearly be said there is no reason whatsoever that Denmark should stand second to Ireland. Both are butter-producing lands, and there, as well as here, the hog will doubtless utilize the dairy leavings.

In this country West Jutland is well known to stand at the top of the list in respect to the quality of their pork products; but, at the same time, in the quotations on the English markets there is nothing to show that the West Jutland slaughter-houses can dispose of their products at Irish prices. The islands would appear to rank proportionally lower. For example, on a delivery of one thousand head of hogs in the spring of this year to a large export slaughter-house these were characterized in the following manner by the establishment: No. 1, light fattened, 14 per cent.; No. 2, medium fattened, 33 per cent.; No. 3, fat, 49 per cent.; soft, 4 per cent.

It would thus seem that in the first stage of bacon manufacture there is yet much to be done. The feeling, however, seems to be gaining ground here that it will be well to follow the example pursued in past days, when, butter making and its export trade being still in their infancy, they commenced by taking lessons from foreign countries in their different modes of procedure; and that it is now in Ireland where such lessons must be learnt for their future guidance towards improvement in their bacon manufacture, while at the same time all possible information must be obtained of the different demands made by the consumers in the English markets.

HENRY B. RYDER,
Consul.

UNITED STATES CONSULATE,
Copenhagen, July 18, 1889.

AGRICULTURE IN THE PHILIPPINE ISLANDS.

REPORT BY CONSUL WEBB, OF MANILA.

Agriculture is comparatively in its infancy in the Philippine Islands, although they have been more or less under civilizing influences for the past three hundred years. So far as I have been able to learn, there is not a single regular, well-kept farm in the entire archipelago, and no one seems inclined to embark in such an enterprise in a general way. The agricultural work done by the natives, outside the hemp, sugar, coffee, and tobacco plantations, is performed in the little garden patches around their huts, in which are produced very little, if any, more vegetables than they and their families consume. There is no regular system of collecting crop reports or reports upon the condition of agriculture, and it is therefore impossible to obtain any thing like reliable statistics concerning it.

The present governor-general, Señor Don Valeriano Weyler, whose term of office began in April, 1888, has devoted considerable attention to the subject of agriculture, and has succeeded in arousing much interest in it among the Spanish residents and the natives and half-castes of progressive ideas. He has urged the encouragement of agricultural pursuits among the natives as a civilizing measure, in accordance with modern methods and principles. A model farm, under Government supervision, has been established on this island (Luzon), another in Visayas, and still another at the penal settlement of Paragua, where some sugar-cane was raised last year. There have been no official reports received concerning these farms, and it is therefore impossible to predict the results of this year's work; but, with the impetus given to agricultural ideas, it is only reasonable to expect vast improvement during the coming years.

I can not at present see how it is possible to obtain the information necessary for the reports called for relative to the character, condition, and prospective yields of the agricultural industry here that would be more than the merest guess-work, or that would be in any degree accurate, reliable, or serviceable for the purposes for which they are evidently intended. Means of communication between the numerous islands are slow and unsatisfactory, and it is probably due to this fact, as much as to the indifference of the people, that the Government has failed to establish a system of crop records. The only reports of this nature received are usually embodied in private letters to Manila, Iloilo, or Cebu merchants, who may be directly interested in the crops of a certain district, and no one knows with any degree of certainty what any crop will be until it is all in the markets. No record is kept of the monthly receipts of any product except hemp, and that is kept by two or three of the mercantile houses, which also keep a record of the amount of sugar, coffee, tobacco, etc., shipped. This is explained by the fact that every one is supposed to be interested in these returns, so as to know whether the production is increasing or diminishing.

The greater portion of the productive land of the archipelago is owned by the religious corporations of the Catholic church, Spaniards, and mestizos or half-castes. It is usually worked on shares, and the crops are sent directly to Manila, Iloilo, or Cebu, or are bought by Chinese speculators, who travel about the country gathering up large and small lots and send them down the rivers and creeks in large, flat-bottomed canoes or barges. In this way much of the sugar comes into Manila, and is sold by weight or bulk, as buyer and seller may agree. Thus the principal products—hemp, sugar, coffee, and tobacco—accumulate in the warehouses, and are classified there and prepared for export, the product of the poor native's little patch of ground being swallowed up in that of the broad acres of the Spanish planter.

The masses move slowly in this part of the world, and there is very little energy or enterprise manifested in any thing. The land is worked just as it has been for a hundred years, and the old-fashioned sharpened stick still frequently does duty as a plow. Besides the sugar-mills, engines, etc., there is

no agricultural machinery of modern design in use. Hemp, which is indigenous and needs little or no cultivation, requires no tools but a knife to cut it with and a rude mill in which to shred it. Sugar-cane is not planted every year, and all that is necessary for it or the coffee-tree is a strong knife with which to keep the weeds down. The only crop that needs really careful cultivation is tobacco, and as all the work on it is done by natives or Chinese, who furnish their own implements, it follows that the latter are of the most primitive character.

ALEXANDER R. WEBB,
Consul.

UNITED STATES CONSULATE,
Manila, August 16, 1889.

BELGIAN AGRICULTURE.

REPORT BY CONSUL PRESTON, OF LIEGE.

It may be remarked at the outset that Belgium is not really an agricultural country, does not raise enough for its own consumption, but imports largely from other countries. A large part of the wheat which is ground here is imported from New York. There is one large steam-mill in Liege which turns out about 400 barrels of flour a day, from imported wheat.

The land under cultivation in Belgium is estimated as follows: Cereals, 1,000,000 hectares (2,500,000 acres); meadows of grass and clover for forage, 750,000 hectares (1,875,000 acres); industrial plants, such as flax, etc., 100,000 hectares (250,000 acres); in forests and heath, 600,000 hectares (1,500,000 acres). The statistics of agriculture are not published until late in the season, so that they are of hardly any value to us. The information given herewith has just been furnished me by the commissioners of agriculture of the province of Liege for the year 1888, which, it will be seen, was a bad year for the harvests. The season so far this year has been much more favorable, indeed nothing could be better. Warm weather came on early, with occasional rains, just enough to keep the ground moist, and there is every reason to believe that the harvest of this year will be a very favorable one. There is great attention paid here to raising and improving the cattle, horses, pigs, and poultry. I attended one of these annual fairs and cattle shows at Dolhain, in my district, last August, which reminded me very much of the agricultural fairs in New York State, though on a smaller scale. The farming implements are some of them of rude and cheap construction. Large machines for sowing, reaping, etc., could not be used to advantage, the fields being too small and many of them on hill-sides, so that much of the work of preparing the soil and raising the grain must be done by hand. If our American manufacturers of tools, farming implements, and labor-saving machines of all kinds took enough trouble about it, they could doubtless introduce many of these things in Belgium. But, to begin with, their advertisements and circulars must be in the French language, sometimes in Flemish, and they

would have to manufacture very cheap, as the Belgian farmers can not afford to pay a high price for any thing.

One thing which has struck me particularly in Belgium is the great care which is taken to preserve every bit of manure in the streets of the cities; the soil, having been in use over fifteen hundred years, requires a great deal of fertilizing. Another thing is, that every foot of land near the villages is brought into use. The hill-sides, the land bordering on railroads up to within a foot or two of the rails, is all planted with grain or vegetables, and every thing is economized to an extent unknown with us. The wild heathland is being constantly brought under cultivation, either for farming or for forests, and the Government encourages this by subsidies.

The following tables show the uncultivated lands or commons, cleared up and brought under cultivation, or planted in woods.

Uncultivated commons of which the conversion has been authorized in 1887.

[H, hectare of 100 ares, about 2½ acres; A, are, one-fortieth of an acre; C, centiare, one of are, 1 square meter, one-four thousandths of acre.]

Provinces.	Public or private sale.	Rented.	Planting wood.	Total.
	<i>H. A. C.</i>	<i>H. A. C.</i>	<i>H. A. C.</i>	<i>H. A. C.</i>
Antwerp.....	57 74 20			57 74 20
Liège.....	88 59 68		45 57 85	134 17 53
Limbourg.....	125 45 69	0 10 97	53 67 27	179 23 93
Luxembourg.....	34 13 95	26 24 10	91 12 20	251 30 25
Namur.....	6 14 28		37 50 49	43 64 77
Total.....	412 7 80	26 35 7	227 87 81	666 30 68

Salable woodland of which the conversion was authorized in 1887.

Provinces.	Rented.	Sale.	Total.
	<i>H. A. C.</i>	<i>H. A. C.</i>	<i>H. A. C.</i>
Antwerp.....	5 97 62	26 29 0	32 22 62
Liège.....		191 80 51	191 80 51
Limbourg.....		6 51 86	6 51 86
Luxembourg.....		60 26 65	60 26 65
Namur.....		18 24 44	18 24 44
Total.....	5 97 62	303 12 46	309 10 8

Uncultivated commons put to use or converted during the year 1887.

Provinces.	In arable land.	In meadows.	In buildings and gardens.	In forests.	Total.
	<i>H. A. C.</i>	<i>H. A. C.</i>	<i>H. A. C.</i>	<i>H. A. C.</i>	<i>H. A. C.</i>
Antwerp.....	0 52 0	1 63 20		299 53 36	301 68 56
Liège.....	33 84 42	1 85 49	1 13 30	128 74 77	165 57 98
Limbourg.....	23 48 33	19 88 65	0 27 47	406 98 23	450 62 68
Luxembourg.....	119 38 28	1 13 85	1 83 3	210 36 98	332 72 14
Namur.....	9 93 84		0 24 53	54 33 6	64 51 43
Total.....	187 16 87	24 51 19	3 48 33	1,099 96 40	1,315 12 79

Common woodlands converted in 1887.

Provinces.	Into arable land.	Into meadows.	Into buildings and gardens.	Total.
	<i>H. A. C.</i>	<i>H. A. C.</i>	<i>H. A. C.</i>	<i>H. A. C.</i>
Antwerp.....	5 97 62			5 97 62
Luxembourg.....	10 66 77		0 1 69	10 68 46
Namur.....	11 0 0			11 0 0
Total.....	27 64 39		0 1 69	27 66 8

Uncultivated commons put to use from 1847 to 1887, inclusive.

Provinces.	Common heathland, according to an official statement in 1847.	Uncultivated commons put to use from 1847 to 1887, inclusive.					Extent of uncultivated commons on December 31, 1887.
		Arable lands.	Meadows.	Buildings, gardens, etc.	Wood.	Total.	
	<i>H. A. C.</i>	<i>H. A. C.</i>	<i>H. A. C.</i>	<i>H. A. C.</i>	<i>H. A. C.</i>	<i>H. A. C.</i>	<i>H. A. C.</i>
Antwerp.....	224 64 13	16 68 77	12 89 67	0 54 67	98 42 7	128 55 18	96 8 95
Brabant.....	0 66 28	0 58 0				0 58 0	0 8 28
Western Flanders.....	9 44 9	4 69 43				4 69 43	4 74 66
Eastern Flanders.....	7 78 44	0 94 35				0 94 35	6 84 9
Hainaut.....	16 29 98	6 67 85	2 77 60	0 36 79	0 88 34	10 70 58	5 59 40
Liege.....	184 81 3	65 53 22	6 3 63	2 45 58	71 46 36	145 48 79	39 32 24
Limbourg.....	576 99 64	23 87 37	29 49 86	0 66 60	183 31 40	237 35 23	339 64 41
Luxembourg.....	505 47 78	194 40 54	2 88 85	0 32 51	138 37 6	335 98 96	169 48 82
Namur.....	118 36 30	65 53 27	3 52 34	0 48 69	34 48 69	104 2 99	14 33 31
Total.....	1,644 47 67	378 92 80	57 61 95	4 84 84	526 93 92	968 33 51	676 14 16

YIELD OF CROPS.

Winter wheat.—The average production in 1888 was 20.5 hectoliters per hectare ($2\frac{1}{2}$ acres), a decrease of 4.5 hectoliters as compared with 1887. The weight per hectoliter (1 hectoliter = 2.838 bushels) in 1888 was 73 kilograms (1 kilogram = 2.205 pounds), a decrease of 7 kilograms compared with 1887. The harvest of winter wheat was bad and the quality of the grain poor. Divers circumstances contributed to produce these bad results. First, the severity of the winter killed many of the plants, and the great dryness of the months of April and May hindered the vegetation and growth of the grain; then, later, persistent rains interfered with the harvest. The straw was short and of bad quality. The price of wheat went down, and its sale was difficult.

German wheat.—The production in 1888 was 28 hectoliters per hectare, against 35 hectoliters in 1887. The weight per hectoliter in 1888 was 41.50 kilograms, a decrease, as compared with 1887, of 2.50 kilograms. The harvest of this kind of wheat was bad from the same causes as affected winter wheat. The culture of this wheat diminishes each year to give place to winter wheat.

Rye.—Average production in 1888, 18 hectoliters per hectare, a decrease of 5 hectoliters as compared with 1887. The weight was 70 kilograms per

hectoliter, a decrease of 2 kilograms per hectoliter as compared with 1887. Rye suffered more than wheat from the atmospheric influences unfavorable to its vegetation. The harvest was bad both in the quality of grain and straw.

Winter barley.—Production in 1888, 27 hectoliters per hectare, a decrease of 5 hectoliters as compared with 1887; weight in 1888, 63 kilograms per hectoliter, a decrease of 2 kilograms as compared with 1887. Winter barley is little cultivated, on account of the low price, not being remunerative, and the great care required to raise it. The influences of the atmosphere have rendered it of bad quality.

Summer barley.—Production in 1888, 23 hectoliters per hectare, a decrease of two hectoliters as compared with 1887; weight, 64 kilograms per hectoliter, a decrease of 2 kilograms as compared with 1887. The culture of this grain tends to disappear to give place to oats, which pays farmers better. The harvest, both in grain and straw, was fair.

Oats.—Production in 1888, 37 hectoliters per hectare, an increase of 4 hectoliters over 1887; weight, 45 kilograms per hectoliter, an increase of 1 kilogram over 1887. The culture of oats to-day holds a large place among the farmers of this province. The harvest has been generally good in grain and abundant in straw of good quality. This cereal is easily sold at a good price. The cultivators sow in preference Swedish oats.

Potatoes.—The harvest of potatoes was very bad, in fact, in certain localities there was not even as much produced as was planted. The variety called early potatoes suffered the most from the rot. The *Magnum bonum* gave a better result. The bad harvest was attributed to atmospheric influences, such as the great dryness of the weather, from the planting up to the flowering, and the persistent rain after that. The great deficit in the production has been easily filled by importations from Germany and France, so that the price of this necessary food has been less than might have been expected with a harvest which, so to speak, was a failure.

Beets.—The climatic influences in 1888 were very unfavorable for this culture. The raising and the vegetation at first suffered from the very dry and warm weather of the spring, then came cold and persistent rains in the summer and autumn, which prevented the development of the root and the good elaboration of the sugar. The result was a bad harvest in weight and quality. The work in the sugar manufactories has been difficult, because the rendering of sugar did not produce its usual quantity in proportion to the density of the juice. The richness of saccharine matter was not over 11 per cent., while in the previous year it was from 12 to 13 per cent. The cultivation of beets for sugar occupies a large place in the industry of the Hesbaye, and tends to propagate itself in the Condroz.

Beans.—The culture of this article is less every year. The harvest was good for forage, but little production in grain on account of cold and persistent rains.

Red clover.—The product of the first cutting suffered much from atmospheric difficulties. The second cutting was more abundant than the first, was gathered under favorable conditions, and of good quality.

Other clovers.—This culture furnishes an excellent quality of forage; its cultivation is confined to the region of the Condroz and the Ardennes. The harvest was good.

Meadow hay.—First crop production in 1888, 3,850 kilograms per hectare, a decrease of 150 kilograms as compared with 1887; second crop, 1,800 kilograms per hectare, an increase of 1,200 kilograms over 1887.

The dry and cold spring was at first against the vegetation of grass in the meadows, but the rains toward the end of May favored the growth, although too late to assure the ordinary first crop, and the harvest was only of a medium quality. The second crop was abundant, and was gathered in good conditions.

Fruit-trees.—The harvest of fruit has been, like the last year, very variable according to localities. On account of the excess of humidity and the low temperature the fruits failed in taste. The cherries and plums turned out fairly. Pears have been abundant, but apples did not turn out well. The plantations of fruit are developing, and are well cared for. Nurseries of fruit-trees become each year more abundant, and are in a state of commercial prosperity.

Forest trees.—Great attention has been paid to the cultivation of forest trees of late years. There are nurseries at Crahay, Tilff, Pierre, and many other places. About 2,300,000 young trees of divers ages and varieties are to be found in the nurseries of this province.

Recapitulation.—The following table shows the results of the harvest of 1888 per hectare compared with the two preceding years:

Products.	Harvest of 1886.	Harvest of 1887.	Harvest of 1888.
Winter wheat.....hectoliter...	24.5	25	20.5
Spring wheat.....do.....		22	
German wheat.....do.....	34	35	28
Rye.....do.....	19	23	18
Winter barley.....do.....	32	32	27
Spring barley.....do.....	27	23	25
Oats.....do.....	41	34	37
Potatoes.....kilograms...	14	15	6.500
Beets:			
For sugar.....do.....	35.875	30.100	25
For forage.....do.....	38	32.100	27
Red clover, dry forage.....do.....	5.300	5.600	5.700
Luzerne, dry forage.....do.....	7.600	6.900	5.800
Meadow hay.....do.....	3.490	4	3.850
Second crop.....do.....	1.150		1.800
Sain-foin, dry forage.....do.....	4	3.900	4.500

Agricultural manufactures.—There is one distillery for making gin at Plainevaux, belonging to Mr. Braconnier, which is doing a good business; two sugar manufactories, one at Alleur, the other at Liers; one factory for chicory at Vise; two breweries at Wandre and two at Vise; several distilleries and breweries in various other places in the province, all of which are in a high state of prosperity. One factory of agricultural implements is very prosperous.

Horses.—The raising of large draft horses continues to be developed in all parts of Belgium, particularly in the Condroz and the Herbage. They understand that the raising of horses, well directed, is one of the best means of overcoming the bad situation in the state of agriculture. The raising of horses makes great progress, as is shown by the exportations to Germany, Russia, and the United States. Prices are well maintained, and towards the end of the year a very appreciable advance was produced by large purchases made by German merchants.

Hogs.—The raising of hogs has preserved its importance, and has been lucrative, save towards the end of the year, on account of the scarcity of potatoes. The fattening of the animals has extended and given good results in consequence of the prohibition measures which were taken for a long time against the hogs of Germany and Holland.

Sheep.—The raising of sheep loses its importance each year, and leaves little profits to the farmers. The low price of wool prevents them from making money in that direction.

AGRICULTURAL ASSOCIATIONS.

The Royal Society of Agriculture of the East of Belgium, which has its committee in this province, has organized in the last year three co-operative expositions, which took place at Erneux, at Wandre, and at Dalhain, the last of which I attended by invitation, all of which had great success.

Several conferences have been organized by the section of Vise, and the subjects treated of have been printed and distributed to the members. The central section is occupied in the study of several important questions—the consolidation of small properties, practical information on agriculture, and the renting of farms.

The agricultural officers of the State have been charged with numerous conferences and the surveying of experimental farms established in several parts of the agricultural districts. The college has been charged to organize eight elementary courses of zootechnij, which have been given with as much talent as success by Messrs. Bartin, Hougardy, Branier, Hansoulle, Lefebvre, Poelmann, Milz, and Dupont. They have also organized several conferences on dairy-farming, culture of trees, and market-gardening.

The course on horseshoeing given at Liege, by M. A. Macorps, is always well followed. Twelve scholars have obtained a certificate of capacity.

The societies of horticulture, arboriculture, and the culture of market-gardens continue to render great services by expositions, conferences, and courses. Two of these school-gardens, subsidized by the State, the province, and the city, have been established in Liege. Many of the methods followed here, it seems to me, would be very useful with us.

WM. S. PRESTON,

Consul.

UNITED STATES CONSULATE,

Verviers-Liege, July 11, 1889.

HOP CROP OF EUROPE.

REPORT BY CONSUL MONAGHAN, OF MANNHEIM.

This year's total crop on the Continent (main-land) will be about three-fourths of a full one, and one-third larger than that of last year. England reports favorably, and expects a fifth more this year than she harvested last; the quality is not expected to be as good, since growers complain already of certain defects.

GERMANY.

Bavaria, Germany's great brewing center, the province or state of which Munich is the capital, is specially favored this year. Spalt, Franconia, and the so-called Hallertan country give promise of great quantities of splendid quality; the quantity will be fully a third larger than last year's yield, and will reach 310,000 zoll-centners.* The other states of South Germany have also reason to be satisfied; here and there complaints about dark colors are heard. Württemberg, Bavaria's near neighbor, will come out with 100,000 centners; Baden expects 60,000; the imperial provinces, Alsace and Lorraine, harvesting this more than last year, will have no less than 90,000 centners. Prussia and North Germany will not have more than last year, inasmuch as Posen, the principal hop producer of the northern provinces, in consequence of copper burn (*kupfer brand*), will not yield as in 1888. The Old Mark and Saxony, however, will have a crop equal to last year's. The northern crop is expected to reach 60,000 zoll-centners, thus making up Germany's total to 620,000 centners.

AUSTRIA.

The Saatzer land takes the same place among Austria's provinces as Bavaria does among German. The quantity is large and the quality exceptionally good. The city of Saatz alone will yield 3,500 centners from its poles, while the outlying district will pile up 65,000 centners. The so-called Auschaer country (Red and Greenland-Roth and Grönland) will fall a third behind last year's crop and yield only 35,000 centners; Galicia, with good quality, will put up 8,000 centners; Steiermark, 7,500 centners; Möhren, whose crop suffered some from the heat, will yield scarcely 4,000 centners; Upper Austria, under most favorable conditions, will have 5,000 centners. These, added to Hungary's and Silbenbürgen's 3,000, gives Austria and Hungary a total of 131,000 zoll-zentners.

FRANCE.

France's crop remained so long backward that a most favorable calculation can not give her, or should not, more than her last year's crop—60,000 centners.

BELGIUM.

Belgium has every reason to expect 90,000 centners.

* 1 Zoll-centner = 110.4 pounds.

RUSSIA.

This country suffered from unfavorable hop weather, and falls a full fourth behind 1888's record—20,000 centners.

TOTAL PRODUCTION AND CONSUMPTION.

Including the countries Sweden and the Netherlands, producing small amounts of hops, the Continent will yield this year about 925,000 centners, while the probable demand is put at 750,000. England, having decreased the amount of territory used in cultivating crops, will not obtain more than 450,000 centners. If England's demand will be as expected, she will need, besides her home crop, 170,000 centners, which European producers hope to cover, but express fears of meeting America's 100,000 centners surplus on the English markets. The crop of the United States is put down at from 320,000 to 340,000 centners. Notwithstanding our own supply, large as it is, we are constantly importing from German and Austrian provinces. It would be well if we not only could produce all in quantity we want, but also in quality, for I suppose it must be difference in quality that renders import of foreign hops necessary.

J. C. MONAGHAN,
Consul.

UNITED STATES CONSULATE,
Mannheim, September 3, 1889.

AGRICULTURAL RETURNS FOR ONTARIO.

REPORT BY COMMERCIAL AGENT DAVIS, OF COLLINGWOOD.

I inclose herewith a printed copy of the bulletin issued by the bureau of industries for the province of Ontario. The secretary, Mr. Blair, in his introductory says, under date of August 24:

The bulletin presented herewith gives the completed agricultural statistics of the areas of field crops, numbers of live stock, values of farm land, buildings, live stock, and implements, and average rates of wages for farm laborers and domestic servants, in Ontario for 1889. The estimates of yield of crops are based on reports made on 20th July, and are of value only as showing the promise of crops at that date. They are doubtless much too high. A report, with revised estimates, will be published early in September.

I fully agree with Mr. Blair that the estimates of growing crops are too high. Since the threshing of fall wheat I find that farmers have estimated their yield too high, considerable rust being one of the causes. On the other hand, spring wheat and oats have improved since July 20. Barley has been damaged in color by the rains while being harvested.

HIRAM DAVIS,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Collingwood, August 31, 1889.

CROPS AND STOCK OF ONTARIO.

[Inclosure in Commercial Agent Davis's report.]

THE WEATHER.

The temperature of July was slightly above the average of the seven years 1882-'88, the highest ranging from 86° at Saugeen to 96° at Stoney Creek, the lowest from 40.5° at Birnam to 48.4° at Ottawa, and the monthly mean from 63.3° at Saugeen to 69.8° at Stoney Creek. The stations recording a mean temperature of 70° and upward are Stoney Creek, Deseronto, Peelee Island, London, St. George, Port Dover, and Niagara Falls South. Those recording 64° and under are White River, Charlinch, Cartier, Savanne, Port Arthur, Uplands, Egremont, Joly, and Sault Ste. Marie. The rain-fall was under the average of seven years in all districts except the east, ranging from 1.50 inch in the west and southwest district against the average of 2.72 inches to 3.11 inches in the east against the average of 2.77. In all sections, except the west and southwest, the rain-fall was nearly twice as great as last year. The only stations recording a monthly rain-fall above 5 inches are Harrowsmith, 5.41; Brockville, 5.22; and White River, 5.50. Some heavy daily falls are reported, such as the following: On the 4th, at Mattawa, 1.5 inch; on the 7th, at Rockcliffe, 1.4, and at White River, 1.12; on the 9th, at Sault Ste. Marie, 1.5; on the 18th, at Harrowsmith, 3.66; on the 19th, at Minden, 2.15; at Belleville, 1.55; at Ennismore, 1.50; at Denbigh, 1.5; at Bobcaygeon, 1.42; at Kingston, 2.37; at Lindsay, 1.74; at Brookville, 1.95; at Norwood, 1.93, and at Deseronto, 1.78; on the 20th, at Shannonville, 1.50, and at Trenton, 1.20; on the 23d, at Brockville, 1; on the 27th, at Goderich, 1; on the 28th, at Nelson, 1.75; at Credit, 1.29; at Lucknow, 1.33; at Cartier, 1.30; at Cayuga, 1.10; at Niagara Falls, 1.29; at Scarborough, 1.50; at Midland, 1.30; at Rockcliffe, 1.78; at Toronto, 1.54; at Oshawa, 1.33; at St. George, 1; at Gravenhurst, 1.28; and on the 30th, at Lindsay, 1.11. The sunshine at all stations was about ten hours above the average of seven years.

THE SYSTEM OF PERCENTAGES.

Until this year the bureau has followed the English system in the collection of agricultural statistics. Using the voters' list of each township, schedules were sent by mail to every farmer, with a request that they be filled up with the statistics of the farm and returned to the office for tabulation. The results thus obtained were taken as the basis of estimates for farms not returned, and as far as it could be proved the system was found to be very satisfactory—the difference between estimated areas of fall wheat and returns of areas of this crop as collected by township assessors being in many counties not more than 1 ½ per cent., and in some counties not more than the half of 1 per cent. But, under the new elective franchise, the voters' lists are no longer of service in furnishing the names of farmers, and no other means are available for getting their names and addresses except at very considerable cost. It was decided, therefore, to try this year the American system of percentages, and compute estimates from data to be furnished by a number of intelligent correspondents in each township.

WORKING THE NEW SYSTEM.

Although the schedules were returnable under date of July 20, so many delays took place in transmission that the work of compiling the statistics was not begun until the 5th of August. About 20 per cent. of those received were so imperfect as to be valueless, and the total number entered was nineteen hundred and eighty-eight, or an average of over four for each township. This is proportionately a much larger number of reports than is received by bureaus in the United States for the same purpose, but our experience of the new system is not very gratifying. It has no substantial basis of fact to stand upon, and, unlike the English system, it lacks the most essential qualities of statistical method. The results of the first year are not likely to be far astray, for parallelism with the statistics of last year may be fairly well preserved, and

this is what percentage implies, but continuance of it would almost certainly lead to great divergencies. The boy who aims to turn a straight furrow by keeping his plow parallel with the last one finds each successive furrow to show exaggerated curves. So, statistics, calculated upon percentages of previous years, are apt to get further and further away from true figures.

FALL WHEAT.

In the following table the area of fall wheat in 1889 is taken from the returns of township assessors, but all other areas for this year are computed from the percentages of last year's crop as reported by correspondents. The estimates of total yield in 1889 are also computed from the reports of correspondents, but it must be borne in mind that those reports were made on the 20th of July. At that time all cereal crops had a promising appearance, and even the injury caused at that time, by rank growth and rust was not noticeable. Later accounts show that none of the cereals have realized the promise of the 20th of July. The yield of hay and clover alone is likely to be undisturbed by further reports, for this crop has been unusually good, owing to the frequent rains of June.

Crops.	Acres.	Yield.	Yield per acre.
Fall wheat :		<i>Bushels.</i>	<i>Bushels.</i>
1889.....	822,115	19,132,007	23.3
1888.....	826,537	13,830,787	16.7
1882-'88.....	948,041	18,778,659	19.8
Spring wheat :			
1889.....	308,610	7,679,642	19.3
1888.....	367,850	6,453,559	17.5
1882-'88.....	589,210	9,248,119	15.7
Barley :			
1889.....	875,286	26,539,517	30.3
1888.....	895,432	23,366,569	26.1
1882-'88.....	757,525	19,766,436	26.1
Oats :			
1889.....	1,927,115	73,663,061	38.2
1888.....	1,849,868	65,466,911	35.4
1882-'88.....	1,569,371	55,997,425	35.7
Rye :			
1889.....	90,106	1,722,556	19.1
1888.....	84,087	1,295,302	15.4
1882-'88.....	110,761	1,814,636	16.4
Peas :			
1889.....	709,385	15,439,132	21.8
1888.....	696,653	14,269,863	20.5
1882-'88.....	635,414	13,123,509	20.7
Hay and clover :		<i>Tons.</i>	<i>Tons.</i>
1889.....	2,398,785	3,748,229	1.56
1888.....	2,292,638	2,009,017	0.88
1882-'88.....	2,215,250	2,942,900	1.33

A report to be issued early in September will give a revised estimate of cereals, based on the threshing results of this month and careful observations made at the close of the harvesting season.

OTHER FIELD CROPS.

The next table gives the areas of other field crops for 1889, 1888, and the annual average of the seven years 1882-'88, together with the acreage of cleared pasture land :

Crops.	1889.	1888.	1882-'88.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Corn.....	187,116	222,971	182,084
Buckwheat.....	56,398	57,528	61,685
Field beans.....	21,830	22,700	22,227
Potatoes.....	145,812	153,915	155,766
Mangel-wurzels.....	21,211	21,459	17,906
Carrots.....	11,261	11,524	10,162
Turnips.....	111,103	113,188	100,171
Pasture, cleared.....	2,617,781	2,545,604	.....

The total area in crop, not including pasture land, is 7,776,133 acres in 1889, as compared with 7,616,350 in 1888, and with 7,381,566 as the yearly average of the seven years 1882-'88.

FARM LIVE STOCK.

The statistics of farm live stock in the following table show increases in horses, swine, and poultry and decreases in cattle and sheep:

Farm live stock.	1889.	1888.
	<i>Number.</i>	<i>Number.</i>
Horses and colts.....	618,795	596,218
Milch cows.....	779,171	781,559
All other cattle.....	1,112,728	1,147,079
Sheep and lambs.....	1,344,180	1,349,044
Swine.....	835,469	819,079
Poultry.....	6,304,298	6,164,114

The total clip of wool is estimated at 825,930 fleeces, yielding 4,588,896 pounds, or 5.56 pounds per fleece. There were 851,522 fleeces, yielding 4,691,027 pounds, in 1888, being 5.51 pounds per fleece.

FARM PROPERTY.

The table of the values of farm property show that land has depreciated by over \$8,000,000, but buildings, implements, and live stock show increases which place the aggregate value at nearly \$1,000,000 above the returns of last year. Following are the figures for the two years:

Farm property.	1889.	1888.
Land.....	\$632,329,133	\$640,480,801
Buildings.....	192,464,237	188,293,226
Implements.....	51,685,706	49,754,832
Live stock.....	105,731,288	102,839,235
Total.....	982,210,664	981,368,094

The rental of leased farms is placed at \$1.96 per acre on the whole farm, or \$2.80 per acre on the clearance. In 1888 these respective figures were \$2.07 and \$2.85.

LABORERS AND SERVANTS.

The last table gives the average wages over the province for farm laborers and domestic servants for 1889 and 1888 and the average of the seven years 1882-'88.

Farm wages.	1889.	1888.	1882-'88.
Laborers:			
Per year, with board.....	\$162.00	\$157.00	\$163.00
Per year, without board.....	249.00	251.00	254.00
Per month, with board.....	17.90	16.99	17.87
Per month, without board.....	26.01	26.50	27.25
Domestics, per month, with board.....	6.61	6.28	.....

There is in these figures a very near approach to the average of the seven years 1882-'88, and a small excess over the wages of 1888, except for farm laborers per year and per month without board. The increase in the wages of domestic servants shows that this class still continues in good demand on the farms.

PRODUCTS OF ST. HELENA.

REPORT BY CONSUL COFFIN.

Beans and peas are to be had here in season, and sell at about 25 cents per peck, green. Some are dried and sold at 6 cents per pound, mostly to the shipping. They are grown by the poor people in the country in small garden plots, and the quantity can hardly be estimated.

Cabbages are plentiful, and grown in the same manner at nearly all seasons of the year, except in case of drought, and usually sell at the rate of 6 cents for a good-sized head. Ships calling here take large quantities, and often clear the town markets out, so that the townspeople often find it difficult to buy any.

Corn is grown here, but not in sufficient quantity to supply home wants, and they import it from America and Cape Town. The larger part of the home crop is cut before it is ripe, and used, stalks and all, for fodder for horses and cattle.

Hay is grown in sufficient quantity for the Government and town horses. Country horses usually pasture, the cattle graze here all the year around, and, except when fattening to kill, are not fed.

Oats are grown, but not sufficient for home wants, and enough to fill out is imported from the United States and Cape Town. What is grown here is used, like corn, for fodder, and cut when about ripe, and stacked the same as hay; a small quantity is thrashed.

Onions are raised here, but in small quantities, about enough to supply the white inhabitants. What is supplied to shipping is imported from Cape Town and Madeira.

The pumpkin crop is good, about 70 tons, and sells at about \$50 per ton.

The potato crop has been unusually large this season, owing to the fact that the governor imported a quantity of seed potatoes from England, which

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proved very prolific. The crop is about 15,000 bushels, and they are now selling at about \$1 per bushel; usual price is from \$1.50 to \$1.75 per bushel.

Seed potatoes from Australia, England, and Cape Town have to be imported to insure good crops, as they deteriorate in quality and quantity. There are two crops per year of all kinds of vegetables grown here.

I should say from reports received there were on the island about 1,450 head of cattle, about 2,200 sheep, and about the same number of goats and pigs, 3,000 donkeys, and about 200 horses. The best draft and carriage horses are imported from Cape Town. Both cattle and sheep are imported from Cape Town, which are larger and fatter than those raised here, and which they kill to supply the large man-of-war with fresh meat.

Apples and pears are grown here, but not in large quantities. The quality is poor, and is the natural growth, and my impression is that grafting would improve the quality.

Figs are raised here, and when ripe are hawked around the streets for 4 cents per dozen. The quality is good. None are cured. I do not think there is sufficient quantity raised for that purpose.

Formerly there were large crops of good grapes raised here, but an insect appeared which destroyed the vines. The few vines that were left last season yielded a large crop of delicious fruit.

The peach crop was larger and the quality better than usual. They are sold about the streets for 12 cents per dozen. There is but one crop per year of fruits. February and March are fruit seasons.

There are many other tropical fruits and vegetables indigenous to the island, but not cultivated nor raised in sufficient quantities to need mentioning in this report.

The blackberry grows wild, and is of a very good quality, and sells in season at 6 cents per quart.

Raspberries grow wild, and are equally good as the blackberry. There is a berry grown here which in looks and flavor resembles the gooseberry, which is very plentiful in season.

Flowers of all kinds, and from every climate, are grown here in large quantities and at all seasons of the year. In no part of the world is there a greater variety or a more abundant crop. The people all have a taste for flowers, from the highest to the lowest, and wherever they have their homes, if they have the least bit of land, you will see flowers cultivated.

There are trees here imported from all parts of the world by the old East India Company, and on the southern side of the island are large forests of fir trees and Norfolk Island pines. There are quite a number of oaks at the governor's residence, called the Plantation, and at botanical gardens I think almost every variety of tree known is growing—the date, mangrove, guava, banana, and fig trees flourish here.

About all kinds of running vines are grown here, and in traveling about the country you will see most beautiful hedges around the country residences.

Farming implements are imported mostly from the United States. These consist of mowing-machines, thrashers, corn-shellers, plows, hoes, rakes, churns, etc.

Vegetables are raised here mostly to supply the shipping, the poorer class living on rice and fish.

Farming lands under culture.

	Acres.
Barley.....	200
Indian corn.....	300
Oats.....	400
Roots.....	200
Total.....	<u>1,100</u>

Other land.

Gardens and orchards.....	575
Forest and trees.....	558
Pasture.....	7,151
Barren land.....	1,816
Crown waste land.....	20,200
Total.....	<u>30,300</u>
Total number of acres.....	<u>31,400</u>

JAMES B. COFFIN,
Consul.

UNITED STATES CONSULATE,
St. Helena, July 27, 1889.

AGRICULTURAL PRODUCTS OF THE PHILIPPINES.

REPORT BY CONSUL WEBB, OF MANILA.

HEMP.

The cultivation of hemp is a very simple operation, and as it yields a very large revenue it is not surprising that it is a popular occupation among the easy-going people of this archipelago. This staple, which is found nowhere else in the world, is the product of a species of plantain which grows wild on the Pacific slopes of the volcanic elevations of the islands, particularly the southern ones. Under cultivation the tree attains a height of 15 or 20 feet, with a trunk from 8 to 12 inches in diameter. In its green state it is almost as crisp and juicy as a stalk of celery, and can be readily cut down with an ordinary carving-knife.

The preparation of the hemp for market is very simple. When the tree has properly matured it is cut down and divided into long strips, which are shredded under a large knife kept in the proper position by a rude lever. This separates the juice and spongy matter from the fiber, and the latter is spread out in the sun to dry, after which it is packed in bales of about 240 pounds for shipment,

There are a large number of plantations owned by natives as well as Spaniards and mestizos, where the trees are set out in regular rows and the ground is well cared for. All the attention necessary is to loosen the earth occasionally and keep it free from weeds. The trees multiply rapidly, shoots springing up around the older ones or where one has been cut down. These shoots are transplanted and form the new plantations.

The quantity of hemp produced has varied very little during the past twenty years, as will be seen by the following table of exports:

Year.	Tons.	Year.	Tons.
1869.....	29, 844	1879.....	45, 357
1870.....	34, 199	1880.....	56, 065
1871.....	32, 406	1881.....	60, 823
1872.....	43, 766	1882.....	54, 514
1873.....	43, 586	1883.....	52, 280
1874.....	43, 129	1884.....	57, 093
1875.....	36, 808	1885.....	58, 398
1876.....	44, 150	1886.....	52, 035
1877.....	44, 137	1887.....	72, 096
1878.....	46, 716	1888.....	92, 600

Up to the first of the present month (August) 47,984 tons of hemp have been exported.

COFFEE.

The cultivation of the coffee-tree has been followed to some extent for the past thirty years, but interest in it has been renewed during the past four or five years, and it is quite probable that its export will increase annually. Opinions differ as to whether the tree is indigenous or not, many people declaring that it was brought to the islands from Java many years ago by priests. The berry is planted first, and when the shoot has attained the proper height it is transplanted in shady places. Shade is necessary until the tree reaches maturity, which it does in about five years, when the surrounding trees are trimmed so as to admit the sun's rays. All the care necessary is to keep the ground clean around the tree.

There is no way of ascertaining the area of land occupied by coffee-trees nor the amount of coffee raised annually, as the trees are scattered in various parts of the archipelago. The largest plantations are in the province of Batangas, island of Luzon, but many of the natives have a few trees in their front door yards, under the shade of the plantains, that may yield 4 or 5 bushels of coffee-berries. These are sold to speculators to help to make up a cargo gathered in this way from various parts of the province.

The increase in the production has been marked within the past few years. In 1887 a little over 5,387 tons was exported, in 1888 about 7,501 tons, and up to the first of the present month 1,725 pounds had been exported of last year's crop. It is expected that the crop this year will be about 20 per cent. larger than that of last year.

About 18 tons went to the United States in 1887, and only 7 tons last year. The price at present is about \$325 per ton, United States gold.

RICE.

Although rice is the native's principal article of food there is not enough of it raised in the archipelago for local consumption, and more than 70,000 tons are imported annually. My report of May 15, 1888, describes the method of cultivation and harvesting.

TOBACCO.

My report on this article of export, made to the Department in March last, covers, as fully as the information obtainable will permit, the methods of cultivation and preparing for market. The past season has been an unusually good one. It is impossible to get anything like accurate reports of the probable yield, owing to the imperfect and infrequent communication between Manila and the provinces and the absence of a regular system of keeping crop statistics. Two or three of the commercial houses keep records of the total amount exported, but not of the amount received, nor of the amount likely to come in from the provinces.

A prominent manufacturer and exporter thinks that the Isabella and Cagayan crop will be about 160,000 quintals, and that the other provinces will yield about half that amount. No information as to the probable yield has been received from the districts of Ilacos, Union, Nueva Ecija, and Abra, on the island of Luzon, nor from Visayas.

CORN.

Corn holds a very unimportant place among the agricultural products of the Philippines although it is cultivated to some extent. Many of the natives living in the suburbs of the cities and towns have little patches of ground about their huts, on which they raise a few bushels of corn for roasting or boiling, and one sometimes sees quite a pretentious corn-field of an acre or two; but it is probable that the entire annual product of the archipelago will not amount to 10,000 bushels of unshelled corn. Possibly one of the reasons why it has never been cultivated more extensively is that the amount of time and labor necessary pays better returns if directed to sugar, hemp, or tobacco.

All the corn produced is that known as maize or Indian corn, and the greater portion of it is peddled about the streets of Manila, boiled or roasted, at the rate of 5 cents per dozen ears; very little of it is fed to horses, and then when it has become too old and hard to roast or boil.

The method of cultivation is similar to that followed in more advanced countries, but the implements used are of a very primitive character. As a rule, the land is plowed with a sharpened stick hauled by a buffalo, after which a heavy wooden frame about 4 feet square, with long wooden teeth on the under side, is drawn over the ground to break the lumps. The corn is

then hoed in by hand, and all that is necessary thereafter is to keep the weeds down. No manure nor fertilizer of any kind is used.

Hay is unknown, but in its stead fresh grass or "zacate" is fed to horses and cattle. This is a crisp, succulent grass that grows in swampy fields and is cut by the natives, who make it up into small bundles and sell it about the streets.

FRUITS.

No attention is given to fruit culture except where a native has set out a number of banana trees, which he keeps trimmed and free from weeds, and from which he may gather a few bunches of fruit every year to keep his home circle in food and to spare him the necessity of more active labor. Mangoes, bananas, chicoe, custard apples, guavas, lansones, and numerous other native fruits grow without cultivation, and are gathered by the natives in the hills, and even quite within the limits of the cities and towns, who bring them to Manila and sell them about the streets or in the markets. No attempt has ever been made to export any of them, except a few mangoes, which are sent every year to Hong Kong and other neighboring ports. It is quite probable that under a proper system of cultivation, grafting, etc., some remarkably fine fruit might be developed that could be preserved or canned and sold at a good profit in the United States and Europe. Even in its wild, uncultivated state the mango-tree of these islands yields a most delicious fruit, and some of the varieties of the bananas are as finely flavored as any of those exported from South America. What cultivation will do for any of these fruits may be readily conjectured by any one who has had experience in horticulture. As nature has been so lavish with her favors here the necessity of man's intervention is not apparent to the natives.

ALEX. R. WEBB,
Consul.

UNITED STATES CONSULATE,
Manila, August 16, 1888.

PRIMITIVE METHODS IN SPAIN.

REPORT BY CONSUL TURNER, OF CADIZ.

AGRICULTURAL METHODS.

In coming to Cadiz I traversed Spain by slow trains from northeast to southwest. The trains stopped at every station, affording excellent opportunities for observation. The primitive methods of farming were a surprise to me, and suggested Spain as an excellent market for American farm machinery. Grain is cut with a small reaping-hook and thrashed as in the time of the Cæsars, that is, by tramping it out with asses hitched to a stone boat. The plow is a crooked stick pointed with iron. I saw no wagons as I understand the term.

HANDLING FREIGHT.

In the towns are to be seen heavy wooden carts drawn by oxen. Most of the carrying, transferring, etc., is done by donkeys. Sand, brick, lumber, in fact, almost every thing that has to be moved is carried on their backs. These animals are used all through Spain, and for every purpose, in the same way in which we use them in the almost impassable cañons of the Rocky Mountains. Around the depots I saw no such things as trucks for moving trunks and freight. All such work is done by men. Saratoga trunks are loaded on their backs and carried from car to cart. Spain is almost exclusively an agricultural country, but it is not farmed.

SOIL OF ANDALUSIA.

The soil of Andalusia is the most fertile in Europe, but, notwithstanding this fact, it does not produce enough for its own use. In my opinion all this could be changed by a few energetic agents of American farm implements. Such men can do much for Spain, besides doing a handsome and paying business for their employers.

FOOD PRICES.

The statements that it costs little to live here is a great fallacy, as the following retail prices of the necessaries will show:

Articles.	Price.	Articles.	Price.
Holland butter.....per pound...	\$0.50	Rice.....per pound...	\$0.04½
Sugar-cured hams.....do.....	.60	Beans.....do.....	.04
Bacon.....do.....	.35	Flour.....do.....	.07
Tea.....do.....	\$0.60 to 3.00	Corn meal.....do.....	.04
Coffee.....do.....	.35 .55	Peas.....do.....	\$0.04½ to .12
Lard.....do.....	.35	Eggs.....per 100...	3.50

When it is remembered that Spain is about three times as large as Kansas and has a population of less than 17,000,000 these prices are more suggestive of her depressed agricultural condition than any thing I can write. With perhaps the exception of tea, coffee, and rice, Spain can produce enough of all the articles mentioned for her own use and have a large surplus for export, if once electrified by American farm machinery. In the meantime American shippers and packers will find it much more profitable to supply these markets with meats and breadstuffs direct instead of through English and German channels.

TARIFF ON ARTICLES.

Each city government of Spain levies, in addition to the custom duties of the General Government, a tax on every article brought into the city. In this place, if a purchase is made outside the walls, the purchaser must pay at the city's gates a duty on the article purchased. In order that the foregoing prices may be understood, I inclose a table showing the tariffs collected by the general and local governments on the articles whose retail prices are

quoted above. The distinction made in favor of treaty nations amounts to very little, in fact, on many of the articles there is no difference in tariff.

Tariffs collected by the General Government of Spain and the local government of Cadiz.

Articles.	Unit.	General tariff.		Octroi, or consumption tariff.
		Non-treaty nations.	Treaty nations.	
Butter.....	100 kilograms*	\$11.20		\$0.90
Ham, bacon, and lard.....	do.....	3.00		
Salt meats.....	do.....	.11		2.22
Other meats.....	do.....	1.14		
Sugar.....	do.....	6.45	\$6.16	
Tea.....	1 kilogram.....	.30	.13	
Coffee.....	100 kilograms.....	10.00	8.88	
Rice.....	do.....	1.60	1.36	.24
Beans.....	do.....	.64	.62	.24
Flour.....	do.....	1.29	1.20	.22
Cereals.....	do.....	.64	.62	.09
Meal.....	do.....	.96	.90	.09
Preserved meats.....	1 kilogram.....	.20	.13	.02
Petroleum (refined).....	100 kilograms.....	1.10	.76	2.40
Peas.....	do.....	.64	.62	.24
Potatoes.....	do.....	.25	.24	\$0.40 to .90
Cotton (raw).....	do.....	.24	.24	
Paper.....	do.....	2.10	2.10	
Staves.....	1,000 pieces.....	.40	.40	
Alcohol.....	Hectoliter.....	4.03	3.47	
Cheese.....	1 kilogram.....	.07½	.07	

* 100 kilograms = 220.46 pounds avoirdupois.

ROBERT W. TURNER,
Consul.

UNITED STATES CONSULATE,
Cadiz, September 7, 1889.

BEER-BREWING STOCK COMPANIES IN GERMANY.

REPORT BY COMMERCIAL AGENT SMITH, OF MAYENCE.

A short time ago the Brauer und Hopfen Zeitung Gambrinus (Brewer and Hop Journal Gambrinus), a trade journal, published an article showing the extent of conversion of breweries in Germany into stock companies since 1826, which makes quite an interesting exhibit. According thereto the first stock brewing company was organized in Pomerania in the year 1826, with a capital of \$37,500. In 1853 Bavaria, the great beer-brewing state of the world, had but three stock brewing companies, with a capital of \$342,500. From 1860 to 1870 the organization of stock companies was most frequent, but it was not until after 1874 that it became lively. At the close of 1874 there were fifty-six stock breweries in Germany, with an aggregate capital of \$16,710,000, most of them having a stock capital each of \$125,000 to \$375,000. With 1883 the conversion of breweries into stock companies went on much

more actively. At the beginning of that year Germany had one hundred and six stock breweries in operation, with \$29,550,000 of capital. During the year eight more were formed, with \$825,000 of stock. In 1884, thirteen more, with \$1,350,000; in 1885, eight, with \$1,600,000; in 1886, sixteen, with \$4,100,000; in 1887, twenty-five, with \$6,575,000; and in 1888, four, with \$7,000,000 of capital. This makes two hundred and eleven stock brewing companies altogether at the close of 1888 (including fourteen malt factories), with \$50,000,000 of stock in the aggregate and \$10,000,000 of outstanding bonds. Of those two hundred and eleven companies twenty-nine declared, in 1888, a dividend of 5 per cent., thirty-two a dividend of from 5 to 10 per cent., eighty-two a dividend of from 10 to 15 per cent., and one company was so prosperous as to be able to give a dividend of 40 per cent.

I understand that three or four large breweries in Germany are run with English money, and that English capitalists are much disposed to invest in German brewing stock. During the present year the conversion of the remaining large breweries into stock concerns has been energetically continued.

JAMES H. SMITH,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Mayence, August 28, 1889.

THE RHINE VINTAGE.

REPORT BY COMMERCIAL AGENT SMITH, OF MAYENCE.

With respect to the approaching vintage on the Rhine and in the neighboring country, I have to inform the Department that the general report is that the grapes of this year are going to give a most excellent wine, which will be at least the best which has been obtained since 1868, when the wine was last very fine, and the prospect is, as the weather promises to be favorable during the present month, that it may even excel in quality that rich product, and equal the noble wine of 1865, which was the best since 1846; but the quantity, unfortunately, will be a disappointing one, owing to ravages by insects mostly.

Very good wines were also got in 1874 and 1886, but the wine of this year will be superior to those. All the districts give the same auspicious tokens—the Rheingau, Rhein-Hessen, Rhenish Bavaria, the Nahe, and the Moselle—except that the quantity, due mainly, I believe, to differences in methods of cultivation, will be a little greater in some than in others. In quantity the grapes in the different districts will give on an average what is known as one-third to one-half a harvest. In the Rheingau and on the Moselle the vintage in quantity will probably amount to but little more than one-third a harvest, it is said, while in Rhein-Hessen, Rhenish Bavaria, and on the Nahe it will be close on to one-half a harvest. The vintage will take place about four weeks from now.

If the wine of the present year comes up to that of 1865, it will be but the sixth time since 1784 that such a rare wine has been cellared. Such wine ranks as A1, and the years producing it since 1784 have been only those of 1811, 1822, 1834, 1846, and 1865.

In 1811 the harvest in quantity was but one-third a vintage, in 1822 also but one-third in quantity, but in 1834 a full harvest in quantity was gathered in, being marked full, and in 1846 a seven-eighths one, while in 1865 it was three-fourths of a harvest. The wine of 1864, the next best after that of 1865, was what is designated as full wine in quality. The years producing such a wine during the last hundred years have been 1802, 1808, 1827, 1847, 1858, 1861, 1862, and 1868.

The weather has been very favorable to the grape this summer, but there have been an unusual number of insects of all kinds this year, and the grape has suffered very much from some of them.

JAMES H. SMITH,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Mayence, September 6, 1889.

MEAT PRICES IN GERMANY.

REPORT BY CONSUL MONAGHAN, OF MANNHEIM.

The legislation passed to keep out foreign hogs is said to have been based upon fears of imported diseased meats. This, however, is by no means an article of faith in any part of the Empire; even the most credulous must have a grain of salt with it. The fact that Hungary, where Bavaria and parts of South Germany for a long series of years bought their supply of meat, was, before the law went into effect, subjected to the severest and most conscientiously strict supervision and inspection, goes to prove the political-economic rather than sanitary-protective character of the law. For so strict was Hungary's supervision that no unhealthy meat ever came on to or left the markets for export. Ever since the law went into effect the press has never ceased to complain of its evil effects to a large number of the Empire's population. None but the large land-holders and agrarian population have been benefited. The very considerable duty on cattle, \$5 per capita for beef and \$1.50 for hogs, added to enormous rates of sea, river, and land freights, has practically rendered importation impossible, to say nothing of certain laws the effect of which is to exclude entirely. At first, owing to causes connected with the production of fodder, no direct evil seemed to result from the new laws; but by degrees the agrarian population, especially the large land-owners, saw their chance and made the most of it. Since that time meat has gone up, and, sad to say, grain also; and Austria, for generations the largest source of Germany's supply, dropped in her record of sales from 61,800,000 florins to 13,700,000, almost 500 per cent. The United States, in many respects eminently fitted to feed the world with meats and grains, was shut out

entirely. Of course, the prices went up naturally, and were in places forced up. The result was felt all over the Empire, in Hamburg and Berlin, in Mannheim and Munich. A pair of steers increased 175 marks in price and live beef 15 and 20 pfennigs, or 5 cents a hundred pounds. Of course, the cattle raisers gained by, and praised while they indorsed, the new laws; but how about the millions who find meat too dear, and bread going up because of the same kind of legislation? Their only resort will be to the field fruits, potatoes, and various vegetables. "By all means protect," say city people, working-men, "but carefully, wisely, and safely." Were it not for excessive duties and prohibition, meat could be brought in from foreign states and sold in competition with the home product; and the cheap fodder of this and later years should be enough advantage to aid home producers to compete. But no! safe in the maintainance of the principle of exclusion, no matter how thin the mask or hollow the covering by which the real cause is disguised, the large landed proprietors go on forcing up and keeping up prices, never thinking of the millions of toilers eating meat once a week now, who, under other and happier circumstances, that is, a prevalence of cheaper prices, would eat it twice or thrice weekly. The following are the present prices of meats and breadstuffs in one of the cheapest cities of Baden—Karlsruhe:

Description.	Price.	Description.	Price.
	<i>Cents.</i>		<i>Cents.</i>
Beef.....per pound...	17 to 18	Rice.....per pound...	7½
Mutton.....do.....	15	Barley.....do.....	6¾
Pork.....do.....	17	Butter.....do.....	28 to 30
Bacon.....do.....	23.8	Lard:	
Veal.....do.....	16	Beef.....do.....	26
Bread:		Hogs'.....do.....	19
White.....do.....	4	Peas.....per quart...	4½
Black.....do.....	3	Potatoes.....per 100 pounds...	43
Flour.....do.....	5	Milk.....per quart...	4¾
Flour, dark.....do.....	4¾	Eggs.....per dozen...	17

J. C. MONAGHAN,
Consul.

UNITED STATES CONSULATE,
Mannheim, September 3, 1889.

LABOR AND WAGES IN CHINA.

REPORT BY CONSUL PETTUS, OF NINGPO.

I have the honor to inclose my report of wages paid for hire of laborers in various occupations in this consular district.

Wages have not increased here for years, and strikes never occur. Trouble is rarely experienced, as laborers are confined to districts where they are employed. No laborer is allowed to be employed outside of his district; he may, by general consent, join laborers of another district—not otherwise.

House servants are better paid than any other class of laborers. They are intelligent, and have to be honest and faithful, otherwise they will fail to procure letters for good service, without which they will be thrown out of employment.

Laborers' and artisans' wages in the consular district of Ningpo.

Occupation.	Wages.	Occupation.	Wages.
Barbers.....per month...	\$4.00	Fan-makers.....per day...	\$0.30
Blacksmiths.....do.....	5.00	Fishermen (per season of about two months).....	\$15.00 to 20.00
Block cutters.....per day...	.30	Gold and silver workers.....per day...	.25 to .40
Boat builders.....do.....	.30	Harvesters.....do.....	.20
Boatmen.....do.....	.20	Painters.....do.....	.21
Brick-layers.....do.....	.30	Plumbers.....per day...	.24
Brick-makers.....per month...	4.00	Potters.....do.....	.24
Cabinet-makers.....per day...	.30	Rice cleaners and reapers.....do.....	.25
Carpenters.....do.....	.22	Sailors (with board).....per month...	4.00 to 8.00
Carvers.....do.....	.30	Salt-makers.....per day...	.20
Chair bearers.....do.....	.30	Silk spinners.....do.....	.20
Coffin-makers.....do.....	.25	Silk weavers.....do.....	.30
Coolies.....do.....	.20	Silk winders (female).....do.....	.14
Coopers.....do.....	.30	Soldiers (with uniforms).....per month...	5.00
Coppersmiths.....do.....	.30	Straw hat-makers.....per day...	.12
Cotton pickers.....per month...	5.00	Salesmen (with board).....per month...	4.00
Cotton cleaners.....per day...	.20	Stewards of vessels.....per year...	120.00
Cotton spinners (female).....do.....	.10	Tea pickers.....per day...	.10
Cotton weavers.....do.....	.20	Tea sorters.....do.....	.10
Clerks (with board).....per month...	5.00	Tea firers.....do.....	.30
Cooks.....do.....	5.00	Tea packers.....per month...	8.00
Dyers.....do.....	8.00	Tailors (with board).....per day...	.14
Embroiderers.....per day...	.30	Umbrella-makers.....do.....	.20
Farmers (with board).....per month...	\$3.00 to 4.00		

The above rates are paid by Chinese masters. Servants for foreign household are as follows:

Occupation.	Wages.	Occupation.	Wages.
Boy (head servant).....per month...	\$6.00 to \$12.00	Chair bearer (seldom employed by the month).....per month...	\$5.00 to \$8.00
Cook.....do.....	8.00 to 14.00	Tailor (ladies', to work in house).....per day...	.37
Coolie.....do.....	5.00 to 7.00	Nurse.....per month...	5.00 to 10.00
Boatmen (seldom employed by the month).....per month...	6.00 to 9.00		

THOMAS F. PETTUS,
Consul.

UNITED STATES CONSULATE,
Ningpo, August 1, 1889.

Census of Buenos Ayres.—Under date of July 26, 1889, Mr. Vilas, secretary of legation, transmits the following statistics, taken from the census of September 15, 1887, just published: On the 15th of September, 1887, the day of the census, the effective population (that is to say, the number of people in the city that day) was 433,375. The "domiciled" population (that is to say, the habitual residents), whose number is equal to that of the

"effective" population, plus the number of absent residents, and minus the number of strangers, was as follows: Effective population, 433,375; plus absent residents, 8,040; minus strangers, 17,449, making 423,966. The legal population (that is to say, the number of persons born in the city) was as follows: Males, 35,607; females, 39,455; total, 75,062. The difference between the legal and effective population is composed of strangers and foreigners, viz: Strangers, 129,672; foreigners, 228,641; total, 358,313. Effective population in 1887, 433,375; in 1869, 177,787; increase from 1869 to 1887, 255,588. The following table shows the nationalities and number of foreigners resident in this city in 1887, compared with 1869:

Nationalities.	1869.	1887.	Nationalities.	1869.	1887.
British	3,174	4,160	North Americans	611	579
Germans	2,070	3,900	Uruguayans	6,117	11,136
Austrians	544	2,127	Paraguayans	606	1,446
Belgians	163	596	Peruvians	63	143
Bolivians	88	130	Portuguese	798	1,057
Brazilians	733	752	Swiss	1,401	2,582
Chilians	471	444	Various	2,297	1,630
Spanish	14,609	39,562	Total	92,158	228,641
French	14,180	20,031			
Italians	44,233	138,166			

GOLD MINING IN CHINA.

REPORT BY MINISTER DENBY, OF PEKING.

I inclose herewith a translation of an article which recently appeared in a native newspaper published at Shanghai, giving some account of gold mining in Shantung.

As statistical information the contents of the article may be useful.

CHARLES DENBY,

Minister.

UNITED STATES LEGATION,

Peking, July 31, 1889.

[Inclosure in Minister Denby's report.]

There are gold mines in Manchuria which may give a better account of themselves than any of our coal or iron mines. Some of the latter, as for instance the Ch'ih-chow mines, of Anhui, and the Sü-chow mines, of Kiangsu, have so far been anything but a success, owing to difficulties of transporting the mineral to the places where it is required. But for gold there is a good market everywhere, and all that is brought out of the earth is sold immediately and on the spot. What has stood in the way of successful gold mining in China is want of method. The P'ing-tu gold mines, on the Shantung Promontory, employ about 10,000 persons, and the working expenses are 800 taels a day; but the output daily is only 3 ounces of gold. But we are pleased to chronicle the existence of a very different state of things at the Amur gold mines. When Prefect Li assumed the direction six months ago the working of these mines was commenced with sudden and wonderful energy, and a subsidiary mine was opened at K'i-kan Ho. Here, where the gold brigands had worked at their forbidden mines before they were so disastrously scattered by the Chinese Government troops, gold mining is now

actively proceeding under the sanction and encouragement of the Government. At first the output was very small, but it has since so increased that during the last ten days of the third moon (April 20-29, 1889) the joint production of both mines was between 50 and 60 ounces of gold-dust. There are from 500 to 600 miners employed, and each is finding now about a tenth of an ounce of gold every day; and it is expected that before many more months there will be 3,000 miners working there, and producing 300 ounces of gold a day. Happy shareholders!

These mines of Hei-lung Kiang lie near the frontier between that Chinese province and the Russian Amur territory. There are the Tung Kin Shan and the Si Kin Shan worthy of being named beside the California of the Americans and the Australia of the British, which are commonly called by us, respectively, Kiu Kin Shan and Sin Kin Shan, the old and new gold fields. Here stretches a gold vein of 400 to 500 li long, which if properly worked will yield us incalculable wealth, and is now only waiting for capitalists to come forward to supply the working capital. It must be confessed that the way these mines were managed before Prefect Li came along was anything but reassuring to investors, but now we may hope that more confidence will be felt, and that these noble mines may be properly developed.

According to the first clause of the Russian treaty the range of hills called the Hing An Ling separates our territory from the Russian, the gold country of Tung Kin Shan lying to the south and that of Si Kin Shan or Moh Ho to the north of that range. The mines under Prefect Li's superintendence are on those mountains, some 70 or 80 li from Moh Ho. All provisions for the mines must be imported overland from Ai-hun (otherwise called Saghalin Vla, or "Black River"), a distance of 1,500 li, through Moh Ho, passing Russian territory on their way. Prefect Li intends to effect a reform in this respect, and partly by the employment of steamers and partly by opening of new roads to render it possible to bring from China every thing necessary for the proper working of the mines and the supply of the personnel with provisions without the aid of Russian roads.

Commerce of the Netherlands.—Under date of October 2, 1889, Consul Eckstein, of Amsterdam, transmits the following statement showing the general commercial movements of the Netherlands in 1888, as compared with those of the four preceding years, as follows:

Years.	General imports.	Imports for consumption.	General exports.	Special exports.*	Goods in transit, with transshipment.	Goods in transit, without transshipment.
	<i>Kilograms.</i>	<i>Florins.</i>	<i>Kilograms.</i>	<i>Florins.</i>	<i>Kilograms.</i>	<i>Kilograms.</i>
1884.....	11,925,794,447	1,128,471,467	6,009,079,145	841,231,746	275,441,258	1,891,705,692
1885.....	11,663,745,812	1,091,487,883	6,115,579,730	891,036,294	323,060,141	1,910,615,338
1886.....	11,579,166,228	1,102,693,328	6,046,068,794	949,488,578	376,636,918	1,793,406,179
1887.....	12,558,934,837	1,136,997,176	6,869,800,594	991,618,008	370,872,389	2,003,759,881
1888.....	13,484,078,596	1,272,093,352	7,322,856,833	1,114,805,790	384,346,828	1,947,759,569

*Special exports cover all the products of the Netherlands exported and such of the imports as are not subject to any customs control or fiscal formalities.

From the figures for 1888, compared with those for 1887, is shown that the general imports increased nearly 7.37 per cent., the imports for consumption fully 11.88 per cent., the general exports fully 6.59 per cent., the special exports fully 12.42 per cent., the transit trade with transshipment fully 3.63 per cent., whereas the transit trade without transshipment decreased nearly 2.88 per cent.,

THE ARGENTINE BUDGET FOR 1890.

REPORT BY SECRETARY OF LEGATION VILAS, OF BUENOS AYRES.

I have to report to the Department that the budget for 1890 was sent to Congress yesterday accompanied by a message from the President. The budget will probably be accepted in its present form, and I therefore send an abstract thereof from the Standard of this city reviewing the message.

HENRY L. VILAS,
Secretary of Legation.

UNITED STATES LEGATION,
Buenos Ayres, July 20, 1889.

ARGENTINE BUDGET FOR 1890.

[Inclosure in Secretary of Legation Vilas's report.]

The budget was sent to Congress yesterday, and immediately placed in the hands of the committee. The ordinary expenditure is estimated at \$55,473,762, as follows: Home office, \$13,834,402; foreign office, \$2,068,680; finance, \$16,883,974; public instruction, worship, etc., \$9,157,296; war office, \$9,520,222; marine, \$4,009,186; being an increase of \$6,709,592 on this year. This increase is appropriated as follows: Home affairs, \$2,272,099; foreign affairs, \$738,960; finance, \$766,850; public instruction, \$681,768; war office, \$1,209,441; marine, \$1,100,474.

The ways and means are:

Custom-house returns.....	\$47,000,000
Wharfage and port dues.....	800,000
Stamp duty.....	4,000,000
Stamps.....	250,000
Land tax (64 per cent).....	1,600,000
Licenses (80 per cent).....	1,160,000
Posts and telegraphs.....	1,800,000
Light-houses.....	200,000
Sanitary visits.....	70,000
Judicial deposits.....	80,000
Consular dues.....	120,000
Sundries.....	300,000
Total.....	57,380,000

The service on the public debt will cost considerably less in 1890 than at present, as shown as follows:

1890 service on internal debt.....	\$6,933,262
1890 service on foreign debt.....	5,993,049
Total.....	12,926,311

or, say, \$3,929,140 less than this year's service, which costs the nation \$16,855,451. With regard to ways and means, they are calculated on actual returns of first half of current year, and should show a return of \$57,380,000, of which customs returns figure for \$47,000,000 and stamp duty at \$4,000,000. Setting off, thus, the two factors—expenditure vs. ways and means—here remains a surplus of \$1,906,237 to the credit of the nation. This, however,

accounts only for the ordinary expenditure, as a statement of extraordinary expenditure is also submitted as follows:

Public works.....	\$4,290,000
Bounties and subventions.....	606,000
Railway guaranties.....	3,802,510
Differences in exchange.....	5,016,400
Subvention to municipality.....	1,190,000
Special laws.....	1,000,000
Total.....	15,904,910

To meet which the following extraordinary ways and means are set forth:

Land tax, 36 per cent.....	\$900,000
Licenses, 20 per cent.....	290,000
National bank shares (dividend).....	3,600,000
Other shares (dividend).....	1,000,000
Interest on deposits of treasury funds.....	2,500,000
Tax, 1 per cent. on issue of banks during "curso forzoso".....	1,100,000
15 per cent. additional for differences in exchange.....	6,900,000
Sundries.....	200,000
Total.....	16,490,000

This would leave a surplus of \$585,490, and it is pleasing to note that the chief magistrate promises to meet the expenditure of the State without increasing taxation. If the figures go right, the surplus will amount to almost two and one-half millions. The disposable funds of the treasury, an immense sum, according to the message, have not been touched, and will not be touched to meet either ordinary or extraordinary expenditure. This is an important statement, and we shall have shortly occasion to refer to it in considering the budget more at length. In the meantime we see by the message that on the 11th instant the Government had deposited in the national and provincial banks \$41,524,150 in notes of legal tender and \$24,066,326 in gold, to which may be added \$6,000,000 gold held by the Government in Europe and \$6,500,000 more which the recently incorporated free banks have to deliver. In a word, by the light of these figures, the treasury was never in a more flourishing condition. The greatest prudence, however, is necessary. President Juarez calls on Congress to be extremely careful to avoid innovations or changes of too sudden a character. He holds out the promise that he will reduce many taxes.

The estimates of revenue, \$57,380,000, show how wonderfully the country is progressing. In 1885 it was \$39,340,000; in 1886, \$46,364,000; in 1887 it rose to \$57,126,149, and last year it was \$57,651,711. The estimates for next year have consequently been very carefully drawn up, and it is satisfactory to see the Government display that prudence which it is so desirous Congress should imitate. In the voting of special laws, which are only set down at a million, our Congressmen will have a good opportunity of responding to the call of the chief magistrate by giving proof of discretion and prudence.

To resume, the budget has been set down as follows:

Expenditure.....	\$55,473,762.38
Ways and means.....	57,380,000.00
Extraordinary expenditure.....	15,904,901.00
Extraordinary ways and means.....	16,490,000.00

TRADE OF BATOUM.

REPORT BY CONSULAR AGENT CHAMBERS.

Arrivals and departures of vessels in 1888.

Nationality of vessels.	Arrivals.				Departures.			
	Sail.		Steam.		Sail.		Steam.	
	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.
<i>Foreign ports.</i>								
Austrian	22	11,833	51	43,310	19	9,293	51	43,310
Belgian			6	8,034			6	8,034
Danish			11	12,634			11	12,634
English			180	210,453			166	193,504
French	1	272	54	76,430	1	272	54	76,430
German			25	38,450			25	38,450
Greek	81	20,530	25	22,750	78	19,457	25	22,750
Italian	28	11,097	13	9,200	28	11,097	13	9,200
Norwegian			5	5,336			5	5,336
Russian	11	1,340	63	53,216	8	915	62	51,740
Swedish			1	1,314			1	1,314
Turkish	91	16,950	4	2,673	92	15,510	3	2,138
Total	234	62,022	438	483,800	226	56,544	422	464,840
<i>Russian ports.</i>								
Russian vessels	63	8,750	245	89,600	57	7,750	238	84,650
Grand total	297	70,772	683	573,400	283	64,294	660	549,490

Having no accurate figures for 1887, it is impossible to make a comparison of the two years, but the increase in 1888 over 1887 is at least 100 per cent.

Exports and imports in 1888.

EXPORTS.

Articles.	Tons.	Value.
		<i>Paper rubles.</i>
Illuminating oil	345,075	10,524,750
Distillate and residuum	68,500	2,158,300
Lubricating oil	29,750	2,944,730
Wheat	16,220	1,067,800
Corn	7,770	344,500
Manganese	7,120	197,900
Wool	3,115	1,582,880
Licorice root	1,561	133,930
Wine	118	23,895
Miscellaneous		3,568,000
Total	479,229	22,546,685

Exports and imports in 1888—Continued.
IMPORTS.

Articles.	Tons.	Value.
		<i>Paper rubles.</i>
Tin-plates.....	15,672	2,878,375
Lumber.....	13,370	253,300
Iron goods.....	4,072	529,370
Sulphur.....	1,705	35,205
Caustic soda.....	380	48,600
Total.....	35,199	3,744,850

Export from Batoum and Poti to the United States in 1886, 1887, and 1888.

Articles.	1886.	1887.	1888.
Persian wools.....	\$49,774.82	\$59,248.85	\$45,076.68
Licorice root.....		45,787.53	83,429.71
Georgian wools.....			2,324.02
{ Poti.....			
{ Batoum.....		3,578.01	16,770.54
Carpets, etc.....	309.43		253.92
Goat-skins.....		93.30	212.46
Photographs.....			93.77
Total.....	50,084.25	108,707.69	148,161.10

The licorice root was exported in three sailing vessels direct to United States ports; the wool and other articles went in steamers via Marseilles, Antwerp, and London.

A remarkable increase in the output of petroleum products from Batoum in 1888 over 1887 is shown by the following figures:

Shipments of petroleum products from Batoum.

Exported.	1888.	1887.	Increase.
<i>Foreign countries.</i>	<i>Gallons.</i>	<i>Gallons.</i>	<i>Gallons.</i>
Crude and residuum.....	4,815,320	1,622,100	3,193,220
Lubricating.....	9,073,305	6,771,350	2,300,955
Illuminating distillate.....	19,993,610	16,753,550	3,240,060
Illuminating oils.....	109,660,875	42,821,935	66,838,940
Total.....	143,543,110	67,969,935	75,573,175
<i>Russia.</i>			
Crude and residuum.....	8,750	102,850	
Illuminating oils.....	17,417,685	9,661,200	
Total.....	17,426,435	9,764,050	7,662,385
Total shipments.....	160,969,545	77,733,985	83,235,560

As much of the illuminating oil shipped to Russia was exported by railway to Roumania and Austria, the above does not show the actual increase in export via Batoum.

There is no perceptible failure of crude supply at Baku, and the export facilities of Batoum have been greatly increased by the addition of new tank

steamers; in fact, the export facilities are so much greater than the capacity of the Transcaucasian Railway that prices advanced 50 per cent. in December and January, and are now very high, but apparently weak and declining. Oil for future delivery at Batoum is selling under spot prices, because of the construction of a pipe line for refined over the Suram Pass by Nobel Brothers, which pipe line is expected to be ready for work by May 1st, and will, it is believed, greatly increase the capacity of the railway.

JAMES C. CHAMBERS,
Consular Agent.

UNITED STATES CONSULAR AGENCY,
Batoum, February 5, 1889.

FLOODS IN CHINA.

REPORT BY CONSUL PETTUS, OF NINGPO.

I have the honor to report on the unprecedented fall of rain here, commencing at night on Thursday, the 22d of August, and ending at midnight on the following Saturday (the 24th). The rain-fall during this time, say about fifty-four hours, was 15 inches, as correctly taken by the imperial Chinese customs. I have delayed making a report on the matter until I could procure something correct, as we had a great many reports from the Chinese from the interior, a number of which conflicted; but the facts, as near as I can gather from my own observation and from our missionaries who have been into the country, are as given below:

Late on Saturday evening, the 24th of August, the pontoon bridge spanning the Tze Ch'e, or western branch of the Yung River, and connecting Compo (this settlement) and the city of Ningpo, was disconnected and broken into eight parts by the strong ebb-tide then running. Each of the parts floated down the river; some got in among the junks at anchor, doing a deal of damage, and others went further down. Two of the pontoons went as far as 7 miles. It was said that several lives were lost at this disaster. And on Sunday morning the other bridge, spanning the southern or Feng'hua branch of the Yung River, went asunder by being run into by junks which broke their moorings or dragged their anchors, though not so much damage was done here. A large number of lives were lost, they say from twenty-five to thirty. We had high tides on the nights of the 24th and 25th of August, overflowing the first floor of the houses in this suburb. We had no high winds, except on Thursday night, when the storm was at its height. The greatest destruction of lives and property was, perhaps, experienced by the inhabitants of Taiping, a city between this and Wenchow. The report was brought here by a native courier, who stated that over a thousand lives were lost there.

The typhoon was severe at Wenchow. The mail steamer *Hai Chang*, trying to make that port, came near being lost. She finally went on a mud

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bank, but got off safely after the storm. A village some 20 miles southwest of this was visited by an English missionary since the storm. He reports that nearly all the houses were destroyed (few were left standing), with some loss of lives.

The vast plain of this district was all more or less overflowed, in the lowlands from 5 to 7 feet. The paths, or roads, were torn up in many places, bridges in large numbers were washed away or fell. An English missionary, writing to the Daily News of the 2d instant, says:

In our lovely hill village of a hundred families or more, a place where the waters found a specially tortuous and confined exit, the outburst was so great and so sudden that nearly two-thirds of the houses were carried away and a hundred lives lost; in some cases whole families were drowned together. The corpses there have been lying unburied for some days past.

The injury to cotton, rice, and other growing crops is quite serious, especially on and at the foot of the hills. I have gone over the crops near this consulate, two and three miles away. They were overflowed from 10 to 20 inches. At first I thought the cotton was much injured; it looked badly for a few days, but it has come out blooming and fruiting and looking vigorous. The rice on the same farms was not injured.

Where the water remained but a short time and not overflowing deep I hardly think the rice and cotton will be injured to any extent. I never saw rice looking better. With the large crop already gathered and this second crop (although a good deal of it has been destroyed) I really think will give the people food until another crop.

Cotton picking is now general; the fruiting is better than I have known since I have been here, as the season has been very favorable for this plant.

THOS. F. PETTUS,
Consul.

UNITED STATES CONSULATE,
Ningpo, September 10, 1889.

IMPORTATION OF AMERICAN LIVE OXEN INTO GERMANY.

REPORT BY COMMERCIAL AGENT SMITH, OF MAYENCE.

Very high prices for meat are at present prevailing in Germany, as reported upon by me September 23, caused in part by the exclusion of cattle from Russia and Austria-Hungary on the ground of infection by disease; and a firm of well-to-do butchers at this city has been led thereby to try the experiment of importing a few live oxen from the United States, and arrangements have been made by them for the shipment of nine hundred head of fat oxen to this country, to come by six different vessels during a period of two months, one hundred and fifty animals to come by each ship. This is quite a noteworthy transaction, because it is the first time, I am informed, that live oxen from the United States, all ready for slaughter, have been imported into Ger-

many. About ten years ago lean cattle, to be fattened for slaughter by pasturage in Holstein and Oldenburg, were brought into Germany, I am told; but the undertaking did not turn out satisfactorily, and was abandoned.

The oxen now coming to Germany are from the State of Illinois, and the first two batches of them arrived last week. The newspapers report them to be fine looking animals, but of a very wild nature, and their appearance in this vicinity has been quite an event to the butchers. Immediately on seeing an allusion to them in the newspapers I sought out one of the gentlemen engaged in the importation and got certain points from him.

These animals have been brought over simply as an experiment, and he does not think the importation will last long. They are sold in the German market about 10 to 15 per cent. cheaper than German beeves, but are found not suited to the German market, principally because they are of a more unmanageable nature than German cattle, having never been accustomed to being led by a rope, and can not be controlled as the butchers here desire. These butchers all do business on a small scale, slaughtering, as a rule, only from one to two beeves a week, one killing five to six being rare; and the cattle they slaughter they like to punch on the hips and scrutinize closely before buying, and like to lead by a rope after purchase, and all this the American oxen strongly object to and violently resist; and any binding of them together is entirely out of the question. They therefore can not be kept long, but have to be killed as soon as possible.

This independent spirit manifested by the American animals has rather disconcerted the importers of them, and they are afraid that on this account the sale of them will be considerably prejudiced. Perhaps the ocean voyage unduly excited the animals.

Darmstadt is a place where it was thought there would be a fine market for American cattle; but as the slaughter-house there is in the center of the city, and these animals, on account of their wildness, can be got through the streets of a city only with difficulty, no success will be met there, I am told.

I asked in what condition the animals arrived, and was informed in a very bad one. The voyage of the first batch lasted three weeks, and they all arrived in a very demoralized state. Fully 10 per cent. were lost by the voyage, thirteen having died on the way.

The animals imported are rather fat, only the very fattest being obtained for shipment, as cattle lose a good deal of flesh during a voyage, and this fatness is somewhat objectionable to the German taste. It is said that their flesh is too fat, but this is no doubt because people here are accustomed to poor and tough meat, as I can testify from long use of it, and also probably from an attempt of the butchers to lower its price by urging some objection to it. A great deal of soup meat is eaten in Germany, and people like to have flesh that can be well boiled and give off a soup and yet not shrink badly in bulk.

The newspapers say that the cost of bringing these beeves to Germany is 100 marks (\$25) a head, but the importer I talked with said that the cost of transportation amounts to twice that sum. The customs duty is 30 marks

(\$7.50) a head. From this it can well be seen how much cheaper American beef is than German, when upon American beeves \$50 for transportation and \$7.50 in duty per head can be paid, and yet the animals be sold 10 to 15 per cent. less than the German. But the importers claim to be losing money on their venture so far. Perhaps after a few weeks we shall hear a better report of the American beeves.

JAMES H. SMITH,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Mayence, September 3, 1889.

THE LONDON STRIKE.

FOUR REPORTS BY CONSUL-GENERAL NEW.

FIRST REPORT.

As the commerce between the city of London and the United States of America is now not only seriously disturbed, but its entire discontinuance threatened by the present strike of the laborers on the London docks, I have the honor to submit to the Department some of the most pertinent facts regarding its inception, character, extent, and effects. The strike, which began ten days ago in a comparatively small way, has now assumed such proportions that ship-owners and transportation companies are unable to fulfill their engagements, or to meet the ordinary requirements of commerce, the result being that trade is greatly impeded, and exportation and importation, so far as this port is concerned, almost entirely stopped. Vast amounts of goods sold to the United States have been delayed here even beyond the time they should have reached their destination, and ships laden with American products have been waiting here for days, the strike preventing their delivery to those to whom they were consigned. The result of this delay is a partial demoralization of business and much financial loss to those who are directly interested in international traffic.

The London dock companies, which control the entire dockage on the Thames in and near the city, necessarily employ many thousands of men. In a general way, these men, at least those who are actually engaged in the physical labor of transferring cargoes, are divided into two classes: First, those who, because of physical fitness and reliability, are permanently employed, and, second, those who are given intermittent work, the duration of which is limited by the requirements of the business. It frequently happens that so many vessels arrive, or are ready to depart, at about the same time that great forces of transient laborers are pressed into the service, and most of them can generally find employment of this kind at least one-half of the days in the week. These men form what might be called a floating population, and their ranks are recruited from those who are compelled to take almost any kind of employment that is given them. Nevertheless, this is the only

kind of work a great majority of them have, and in this way it becomes their regular employment by which they support themselves, and frequently large families. These men report at the docks at a very early hour in the morning and wait until 8 o'clock, the hour for beginning work, when so many of them as are needed are set to work and the remainder wait about until the next allotment of work, which generally comes at 1 o'clock in the afternoon. If, during the day, the foreman or manager of the docks sees that the work has progressed so far as to render its completion by the regular force possible in the time allotted, these extra men are dismissed, each being allowed for the time he was actually employed. In consequence of this method of procedure, which the dock companies claim is absolutely necessary to their business, there is an uncertainty of employment, and, in fact, a scarcity of it, that causes much poverty and distress among those who follow it.

The pay of these men has been for a long time 5 pence (about 10 cents in United States currency) an hour, with an extra allowance of 1 penny an hour for work done after regular hours, *i. e.*, after 8 o'clock in the evening, the men being given no guaranty as to the number of hours they will be actually employed and consequently paid for. Without going into the question of the justice of such an arrangement, or the adequacy of the wages paid for the work done, it is an admitted fact that this class of laborers have but little opportunity to better their present poor condition, no matter how industrious and frugal they may be.

On the 13th instant the laborers employed at some of the docks struck for higher wages, their demand being three-fold: (1) That they should receive 6 pence per hour, instead of 5 pence, for regular hours of work; (2) that they should receive 8 pence an hour, instead of 6 pence, for all extra time, and (3) that when once put at work they shall be employed for at least four hours on that day. The dock companies declined to make the concessions asked for, and the men quit work. The strike spread rapidly. The laborers formed processions and marched from dock to dock until all who were similarly employed at all the docks joined their ranks. Accessions of from 3,000 to 5,000 men were made each day. The permanent men, *i. e.*, those regularly employed, the stevedores, lightermen, bargemen, coal-heavers, and ship artificers, also went out, partially because they had grievances they wanted redressed, but principally because of sympathy with the cause of the original strikers, whose demands they believed to be just and right. In the last few days the strike has extended among those not employed in any way by the dock or ship companies, but who are common laborers, working for less than 6 pence per hour. It is stated by those in a position to know that on yesterday no less than 6,000 men, employed as laborers elsewhere than at the docks, joined the strike. The result of this agitation has been the total stagnation of the shipping interests at this port. As before indicated, vessels are neither loaded nor unloaded, and the exporters are not only complaining of the delay, but are suffering large losses in consequence of it. There has been a very perceptible diminution in the number of invoices to receive a legal certification in this

consulate-general, and if the strike spreads to other cities, which is by no means impossible, the result will be most disastrous.

The strike presents some rather remarkable aspects. Thus far it has been totally unattended by any public acts of lawlessness. The police reports made from day to day do not show that the strikers have resorted to violence, except in one or two isolated cases, and the only arrest that has been made is that of one of the strikers for begging, an offense that is made a misdemeanor by English law. On each day since the strike began those employed in it have had street parades, which have been certainly imposing so far as numbers are concerned. In yesterday's parade those in line of march were variously estimated at from thirty-five to fifty-five thousand. Elaborate banners of the various labor organizations to which they belong, together with hastily prepared mottoes and designs expressive of the feelings of the strikers, were displayed. So great was the procession that traffic was entirely stopped along the busy streets through which it passed, while the sidewalks were crowded with thousands of people, many of whom cheered and otherwise encouraged the strikers. So far as outward demonstrations show there was a commendable lack of any disposition to resort to violence or acts of lawlessness. The police were on duty in re-enforced numbers, but did not interfere with the procession, nor allow others to do so. In East London, where the docks are situated, two thousand extra policemen have been placed on duty, but thus far there has been little need for their services.

The methods of the strikers are those that are generally employed in such uprisings, *i. e.*, an effort to arouse public sympathy in their behalf, and to prevent by persuasion and influence others, especially those brought from other cities, from taking their places. There have been various conferences between committees representing the masters and the men, but they have not yet resulted in any agreement to reconcile existing differences. The dock companies earnestly claim that if they allow the advance in wages asked for it will cause an additional expense of over £100,000 a year, and this, they insist, they can by no means afford. The strikers are receiving financial aid from very many labor organizations throughout the United Kingdom, and profess to be able to keep up the struggle for many weeks. They are holding numerous mass-meetings day and night, and the speeches, as a rule, are temperate and well considered.

One aspect of the strike threatens more serious results than those already achieved. At a meeting of the strikers held yesterday one of the leaders said that the masters were using the argument that the result of the trouble would be the diversion of freights to various other British ports. There were but four others, the speaker added, of any consequence, *viz*, Liverpool, Glasgow, Grimsby, and Hull, and that from each of those places they (the strikers) had received telegrams stating that the men there so much approved the London strike that if there was any danger of the London men suffering through freights sent there they would themselves strike for such higher wages as would make an equivalent, so that one port would be no cheaper

than another. This statement indicates the probability of a general strike of dock laborers throughout the United Kingdom, a consummation that would be most disastrous to commerce.

I have the honor to inclose, for the further information of the Department, extracts from the leading London papers relating to the strike.*

JOHN C. NEW,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
London, August 24, 1889.

DOCK LABORERS ANSWERED.

[Inclosure 1 in Consul-General New's report—New York Herald (London edition), August 30, 1889.]

From inquiries made yesterday it would appear that the London and India Docks joint committee are not disposed to concede much to the demands of the men on strike. They have already issued handbills stating that "steady, respectable, and able-bodied men" are wanted for permanent employment at the docks at a wage of 20s. per week, the working hours to be from 8 a. m. to 4 p. m. This rate of pay includes Christmas day, bank holidays, etc., when the men do not work, and three days' leave in addition. But the London and India Docks committee appear to be reckoning without taking sufficient account of the stevedores. When the men stood alone without the support of the middle-men they had comparatively little chance of carrying their demands; now the position of affairs is very much changed. The workers appear confident of success, and, for the present, at all events, are determined to continue the struggle. One thing is certain, and that is that if the London and India Docks committee engage fresh hands, the "knobsticks," as they would be called in Lancashire, will have a bad quarter of an hour of it.

A reporter waited yesterday morning upon Mr. C. M. Norwood, chairman of the London and India Docks joint committee, who, in reply to questions, said it had not been the practice to take on men and discharge them after less than three hours' work. Mr. Norwood said: "We had an interview on Friday with five of the laborers, accompanied by Mr. Tillett, and I questioned the men on this very point. Three of them said they had had no experience of being taken on for so short a time as three hours; a fourth said he had had such experience, but it was two years ago; and the fifth said he had known it to happen, but that it was a long time since. I quite agree that it would be unfair for a man to stand about the dock gates from an early hour in the morning until 8 o'clock to run the risk of an engagement and then be discharged after two hours' work. I have given instructions that no men shall be employed for less than four hours. At the interview I have referred to the men said they wanted only two engagements in the course of the day, one at 8 and the other at 1 o'clock. I pointed out that the work is of a fluctuating character; that a good many vessels come in at all hours; that we have engagements with the P. & O. and other lines; that immediately upon their touching our quays we shall send men on board to free the ships; and that it would be absurd if a P. & O. ship came in not to be able to send laborers on board until next morning. In consequence of this I know that some of the men went back to the docks, and the information they gave to their fellow-workmen was on this point received with satisfaction. It is quite a fallacy to suppose that short engagements are any thing like the rule. Our laborers are divided into three classes: Permanent men, who are paid 20s. a week, and 6d. an hour overtime;

*From the many inclosures in Consul-General New's reports the following were selected as giving the necessary record of the great strike: (1) "Dock Laborers Answered" (New York Herald London edition of August 20); (2) "The Dock Laborers' Strike" (the Times of August 21); (3) "The Strikes;" (4) "The Dock Monopoly" (Daily Chronicle of August 23); (5) "Word for the Weak" (from the Herald London edition of August 24).

men on the preferential list, who are paid 5*d.* an hour, and 6*d.* an hour overtime; and thirdly, the general body of laborers, who are employed in emergencies, and about whom no questions are asked. The directors have determined to largely increase the list of permanent men, and we have given orders to increase the list to the extent of a thousand men, and, of course, these will be paid their wage of 20*s.* a week whether the docks are busy or not. Beyond this we are not prepared to go. What the cost would be of granting the demands of the men I can not exactly say, but it would be at least £100,000 a year, and that would mean that we should have to raise our rates. The laborers are as much interested as we are in attracting shipping to the port, and raising rates must be known to them as the reverse of an attraction. The great difficulty we have with our docks is the uncertainty of the supply of men. In a slack time four or five thousand men will be eager for employment, but in a busy time there will be fewer men than there is work for them to do. We do not disguise the fact that this is a great labor struggle. On the other hand, we have a clear conscience, inasmuch as we are willing to grant any reasonable concession that will place the men in a fair position. But we can not afford any advance in wages, for it would either destroy any possibility of a dividend to the shareholders of the joint companies, or tend to drive shipping from the port."

The following letter has been sent to Mr. Tillett, as representing the strikers, by Mr. H. W. Williams, joint manager of the docks:

"SIR: Your letter of the 7th instant has been submitted to my directors, who direct me to say in reply thereto, and to your further letter of the 13th instant, that they are not at present prepared to make any alteration in their labor system. I am further to say that my directors are always ready to inquire into any complaint by those in their employment, and are now inquiring from the laborers themselves what are their grievances. I am to add that it must be obvious that a fair consideration of their views would be better obtained by the men stating their case before going out on strike instead of after."

THE DOCK LABORERS' STRIKE.

[Inclosure 2 in Consul-General New's report — the Times, August 21, 1889.]

Yesterday the strike extended to all the docks. Men of almost every branch of work came out and joined the movement in behalf of the laborers. Early in the morning the men again formed in procession in front of the West India Docks, and, with banners of various descriptions and brass bands, marched round the docks and wharves and through a number of streets. The procession was between 1 and 2 miles in length, the men walking seven deep. There was no disorder.

In the evening an open air mass-meeting was held in the neighborhood of the docks, at which Mr. John Burns, L. C. C., presided. In addressing the meeting he said the laborers had already achieved a victory, for they had brought out men to support them from almost every department. The masters had said that if they conceded the extra penny per hour asked for by the laborers it would increase their expenses about £100,000 a year, and that if they were to meet that they would have so far to increase their dock charges as to run the risk of sending freights somewhere else. His answer to that was that the dock companies divided a profit of £218,000 per year, and that if they paid another £100,000 per year in wages they would still have a profit of £118,000 to share, which he thought a very good sum. The men had been told that by their strike they might drive some of the freights to Antwerp. He did not fear that, for it would not pay ship-owners first to ship at Antwerp and then to reship here the produce and imports which must come here. (Cheers.) As to driving the trade from London to other British ports, there were but four of any consequence which might rival them—Liverpool, Glasgow, Grimsby, and Hull—but from each of these places they had received telegrams stating that the men there so much approved the London strike that if there was any danger of the London men suffering through freights coming there, they should strike for such higher

wages as would make an equivalent, so that one port would be no cheaper than the other. He thought that was another victory. (Cheers.) Mr. Thomas Maum, of the Amalgamated Engineers, also addressed the meeting, and encouraged the men to persevere in the course they had adopted, for their strike was based on simple justice. Mr. B. Tillett, who acted as secretary to the men, urged them to hold together, because he was sure that before long they would secure the object they had in view. Mr. Toomy, of the Stevedores' Society, then gave a report of the day's picketing. The delegates from Millwall, from the Victoria Docks, and also the Albert Docks, had returned with the news that they had got every man out. The delegates from Tilbury Docks had also just arrived with the news that that day they had brought out one thousand men from the Tilbury Docks, and some of them were going to march up to London to join in the movement. The companies were trying to get coolie labor, but the coolies refused to work under the circumstances, a statement that was received with loud cheers by the men. The proceedings shortly afterwards ended.

Several vessels are detained in dock, being unable to load or coal, and if some arrangement is not soon arrived at the situation will, it appears, become serious.

THE STRIKES AT THE DOCKS.

[Inclosure 3 in Consul-General New's report—Daily Chronicle, August 22, 1889.]

The great strike at the various London docks yesterday assumed much larger proportions, and the struggle is kept up night and day by relays watching the gates lest strangers should be got in to do the work required. The masters have placarded the whole district with posters, offering permanent employment to one thousand men at 20s. per week. At 6 o'clock, however, yesterday morning numbers of "pickets" were out drawing men off at every point to attend the great mass-meeting and join in the march to the city.

The delegates and speakers were at the various points allotted to them before 6, and thirteen great meetings had been held by midday. The procession, between thirty and forty thousand strong, got into line by the Custom-house Docks, and, accompanied by four brass bands and over one hundred banners, besides flags, marched through Aldgate to the city, cheering and being cheered along the route till they got to the companies' dock house, in Leadenhall street, opposite which they roared and growled. Interspersed in the procession were various allegorical groups in wagons, showing the men at work, and exciting considerable interest. After a very long march the procession turned off down Fenchurch street, went back along Aldgate, and down Commercial road to the West India Docks, where, late in the afternoon, a great mass-meeting was held, and various accounts given of the progress of the strike and work done during the day. Mr. Burns, L. C. C., presided, and the various speakers spoke from a wagon. The chairman said that after another day's hard work they were receiving their first baptism from the heavens. If Tuesday was an important day, that was much more so, for they had had large meetings everywhere, and by desperate efforts they had got greater additions to their numbers than on any previous day. They had made nearly a clean sweep wherever they went, and there were very few "black-legs" left in now. He was glad to tell them they were receiving sympathy everywhere, because their cause was just. The Amalgamated Society of Engineers had sent them £25 towards their strike fund, and the Amalgamated Society of Painters had sent them £50. Besides that, the merchants and the people along the route and through the city helped them by their money, which showed how strong the feeling was in their favor. There was, however, one point he wished to allude to once and for all, and that was that to-day they had imported into the district no less than two thousand extra police. The authorities had drafted some of his old friends of A, E, B, K, and L divisions. Their services had not been wanted yet. He was quite sure the thousands there assembled did not intend to give the police force any trouble, and, so far as he was concerned, it should be a regular holiday and bean feast for them. When they had had their holiday, perhaps they would

return invigorated, and look better after the west end "mashers." (Cheers.) Mr. B. Tillett, the organizing secretary of the Laborers' Union, who was received with cheers, said he had intended to have gone down to Tilbury to rally the men there, but he had sent a delegate instead, as some very important information reached him. He and another delegate, therefore, went instead to the Surrey Commercial Docks, and, after a very earnest appeal, they succeeded in bringing no less than thirty-five hundred men out of those docks alone. Then they went to the Millwall Docks, and they held two meetings there. They all knew that that was very largely a contractors' dock, and so he asked the men whether they did not think they worked and kept the contractors long enough? The men responded with one shout of "Yes." Then he said "Don't slave for them and keep them any longer, but come out," and the men then came out. (Renewed cheering.) Well, Colonel Burce got the permanent men inside, and addressed them there, but the men turned round and said "No. We will not come in till the regular laborers come in as well." (Cries of "Good luck to them.") In that procession, about 2 miles long, he thought they had shown the directors what the working-men could do when they rose in their might. The directors were endeavoring to make the people believe that what the laborers were now doing would drive the trade from the port of London. They need not fear that, for the directors would give in first, and not kill the "goose that laid the golden eggs." What the men had to do now was to keep constant watch, and see that no men went in. They had taken forty thousand men to the city that day, and had increased the number of strikers by five thousand. Mr. Crick, of the stevedores, said that they had that day also brought out a large number of the Monument Warehouse men. The "pickets" under him also went over Southwark bridge, and cleared the men off the south side of the river. (Cheers.) Owing to the density of the crush round the platform two young men fainted, and as others appeared in almost an exhausted condition the meeting was suddenly dissolved.

Mr. C. M. Norwood, the chairman of the joint committee of the docks, stated yesterday "that, as a result of placarding the docks and advertising in the London and provincial daily newspapers for laborers, the shipping in the docks, which on Tuesday was seriously interfered with, was now resuming its normal condition. At one of the up-town warehouses the men who have been on strike are coming back, and the superintendent has rejected a few of the ringleaders. Arrangements are being made for loading ships, which could not be done for the last two days. Applications are coming in hourly from all directions, and for a class of men whom we more particularly wish to possess. The aspect of things is totally different from what it was yesterday." Asked to give his opinion as to the probable duration of the strike, Mr. Norwood said: "We sent about fifty men in a batch to one of the docks early this morning from the dock house, and another batch of the same number is about to be sent to another dock immediately. This shows that in spite of intimidation, with regard to which we have written to the home secretary, there are plenty of men willing to take the place of those on strike. We admit that the Amalgamated Societies of Engineers and Stevedores are powerful, but I do not think the members will be willing that their funds should be exhausted for the purpose of helping the casual and unskilled laborers. When the pinch comes, as come it must on Saturday, the hopes of the strikers will receive a severe shock, and I shall be surprised if there is any backbone left in the agitation after then." Mr. Norwood also stated that if the demands of the men were complied with, the loss to the companies would be nearer £200,000 than £100,000.

A meeting of three thousand lightermen and watermen was held last night at the York Minster, Philpot street, E., to assist the dock laborers on strike. The following resolution was unanimously passed with great enthusiasm: "That it is essential in the present labor struggle that all lightermen should withdraw from labor until the dock companies concede the just demands of the men." The general secretary of the Watermen's and Lightermen's Society said every exertion would be made to carry out the resolution, and the men now finishing their labor during the night would be brought out to-day (Thursday). It was then decided to call attention to the excessive hours of work which were inflicted upon the men.

To the Editor of the Daily Chronicle.

SIR: Kindly allow me to call the attention of your many readers to a few facts concerning the present strike of dock laborers, with a view of enlisting their sympathies on the side of the strikers. The demands of the men are not outrageous, but extremely moderate, especially when their arduous duties are considered. All they ask is 6*d.* per hour, against 5*d.* formerly paid, 8*d.* per hour overtime, and a guaranty of at least four hours' work when once taken on.

Public sympathy, to a great extent, is with the men, for on seeing thousands of England's sons tramping through the streets of London in a quiet, orderly manner, bent only upon defending their manhood against tyrannical oppression, which takes the form of starvation wages, one can not help feeling that something ought to be done to ameliorate their aggravated condition, and to cheer their lives, which are undoubtedly spent in "hardy toil" for the benefit of the richer classes.

Yet, notwithstanding the vast number out on strike, the wide-spread poverty which will inevitably ensue if it continues, and the hindrances to their own trade, the companies still hold out (apparently to endeavor to starve the men into submission), and say it would cost them so many thousand pounds to give the advance. Is not this being "penny wise and pound foolish?" For they are hazarding their own welfare and business.

Hoping that urgent action will soon be taken to satisfy the men, I am, yours faithfully,

STANLEY M.

LONDON, August 21.

THE STRIKES AT THE DOCKS—INTERVIEW WITH THE MASTERS.

[Inclosure 4 in Consul-General New's report. — Daily Chronicle, August 23, 1889.]

The strikes at the docks in London yesterday entered on a new phase, as they are no longer confined to dock employes, but it was being extended to general laborers in all places and at all trades where the laborers are receiving less than 6*d.* per hour. The consequence was that there were about four thousand more added yesterday to the ranks of the strikers, while others were marching up late last evening who had struck work to join in the general movement. There are many indications that the struggle is not only becoming very severe, but that it is already being attended with considerable inconvenience, for merchants can not get the produce they require through ships being blocked and the general lack of labor.

One of the first exciting incidents which took place yesterday morning was the dock companies securing men from Liverpool. The information was sent on to the strike committee rooms, and Messrs. Mann and Tillett, with other "pickets," were soon on the alert. Having found forty of them at the East India Docks, a great effort was made to induce them to come out. The men said they had been engaged for a fortnight certain at 5*s.* per day, but they were told they were wanted for railway metal work, and they were not informed there was any strike on. There were, they said, more men also going to be sent on from Liverpool and the district. Eventually they all came out, and six were at once taken to Euston, where their fares were paid, and they were sent back for the purpose of stopping other men coming.

About noon yesterday numerous processions of men, with banners, flags, and bands, arrived from all parts, bringing fresh gangs of men of different trades from various wharves and other places. They drew up opposite the West India Docks, but the numbers were so great that the head of the procession reached to Stepney. Another march, as on the previous days, was then made to the city. The leaders, Mr. Benjamin Tillett and Mr. John Burns, with others, were in a vehicle in front, and interspersed in the procession were the allegorical groups and trade emblems as seen on previous days. Soon after the procession had entered the city the leaders were met by a friendly deputation, who, being interested in the trade of the city, suggested that the leaders should have a conference with the directors to see if the dispute could be arranged. The leaders accepted the invitation, and went and saw both the managers and directors at the dock house, Leadenhall street. Meantime the great procession went on its way, then turned off along Fenchurch street, and went back by way of the Commercial road to the West India Docks. Here a mass-meeting was held, at which Mr. Thomas Mann

presided, and as it had become generally known that the leaders had been invited to a conference there was great anxiety manifested as to the result.

The chairman, in addressing the meeting, said they would all be glad to hear that very important negotiations were now going on with the directors. They had had another splendid day, and some glorious victories. The directors were now in such difficulties that they had got forty laborers from Liverpool, but the men had soon got them out and sent them back. The company offered to increase their pay, but the men said they would not stop under such circumstances for half a crown an hour. The company had got some few blacklegs in to sleep there, and they were trying to arrange with butchers and bakers to supply the men with food; but the strikers had been to the butchers and bakers and asked them if they were going to do so, and they said no. One baker said he only wished he could give each man out on strike a loaf, but he should make up six hundred next day if the strike committee could undertake to distribute them. (Cheers.) He was glad to see the strikers behaving so orderly, for in that long line of forty-five thousand men there were none who had not acted in a manly and satisfactory manner.

The meeting was then addressed by Messrs. Thorne, Chambers, Clifton, Shannon, Browne, and others. After the meeting had been kept waiting about two hours Messrs. Burns, Tillett, and others returned with an account of their interview. Mr. Burns said he had just returned from a most important interview with the directors. When they got to the city they were met by two gentlemen, who informed them that an interview had taken place between the dock directors and United Wharfingers, and they would be glad to confer with them. He and Mr. Tillett went, and they were more cordially received than they were before, for they not only saw the managers, but some of the directors. In the conference which took place they, on the part of the men, put the following questions and received the answers given:

(1) Do you concede the four hours' call? Answer: Concede liberally when there are four hours left of the working day.

(2) Do you decline to give up your right to engage labor at any hour? Yes; we will not exercise it arbitrarily, but can not allow you to dictate.

(3) What have you to say about contract work? We can not see our way to do without contract work; we find contract labor better.

(4) You do not object to pay 6*d.* an hour? Not for contract work, and would be willing to extend the contract system.

(5) What about the plus system? We are willing to consider your objections favorably, and to adopt in lieu the contract system of the London docks.

(6) There are complaints on the part of the men of bad language and brutal conduct by the contractors. We have always endeavored and are most anxious to remove cause for such complaint.

(7) Would you entertain the question of the contract rates being raised from 6*d.* to 8*d.* from 8 a. m. to 6 p. m., and 1*s.* from 6 p. m. to 8 a. m.? No.

He (Mr. Burns) contended that though the directors had refused to accede to their demands, their profits were such that they could afford to give the men what they asked. Under the circumstances he would now take a vote and ask the men whether they would go in and accept the directors' terms. (Shouts of "No.") A vote was then taken, and the meeting was unanimous in refusing the conditions. Mr. B. Tillett next addressed the meeting. The chairman said they must now not slacken their efforts, but they would now have greater meetings than ever.

During the holding of the above meetings a telegram was received from Southampton that five hundred men had been engaged there and had just started, and that it would be best to intercept them. The meeting then dispersed; conferences were held later on.

The following telegram was received yesterday afternoon at Southampton and posted at the docks: "From Walsh, Secretary National Amalgamated Society Seamen's and Firemen's Union, Tidal Basin, London. We are on strike to help the Stevedores' Union. Company threatens to send up men from Southampton. Stop this if possible."

Sixty experienced dock hands left Southampton for London last evening.

At Tilbury, on Wednesday, in consequence of the strike, soldiers were employed in loading Government stores. A force of two thousand Metropolitan police have been drafted inside and in the immediate neighborhood of the docks, while the military at the Tower, Wellington, St. George's, and Albany barracks, at the request of the docks committee, are said to be held in readiness in case of rioting.

In addition to the detention of the P. & O. steamer *Khedive*, the New Zealand Shipping Company's steamer *Ruapehu* was not to leave the dock yesterday. The first and second class saloon passengers were accommodated on board the steamer in the Royal Albert Dock, and the third-class passengers were provided for at the Emigrants' Home, Brunswick Wharf.

It was stated yesterday that the funds for the strikers were coming in liberally.

To the Editor of the Daily Chronicle.

SIR: This serious and important movement might be made a blessing to the shareholders of the various docks and their employes if all the dock companies would only follow the example of the men on strike, viz, support one another loyally in fixing a tariff of charges for landing and warehousing at which all can live. These charges, it is well known, ought to be at least 10 per cent. higher than those at present existing. And why not? The increased charge per ton is too small to affect consumers. Is not the remedy in the dock companies' own hands? Are our laborers never to be properly paid? Are the shareholders never to have a proper dividend? Can any one explain why the work is being done at such fearfully low charges, starving the laborers and ruining the shareholders? Who gets the benefit of it all?

Yours, obediently,

LIVE AND LET LIVE.

August 22.

To the Editor of the Daily Chronicle.

SIR: I was greatly pleased to read the letter signed "Stanley," concerning the present great strike in London, in to-day's issue. As one who has lived in the east end all my life, and taken a great interest in the welfare of the working classes, I can thoroughly indorse every word of his letter. I have made it my special duty to be up early and amongst the strikers these last few days, and have inquired into every detail of their grievances, and have come to the conclusion that they are fully justified in the course of action they have taken.

It is now estimated that fully forty-five thousand men have turned out, and it is expected by the end of the week there will be quite sixty thousand men on the strike field. This morning several large carman and contractor firms' men struck, including Fardell & Stones's; also men from other large warehouses. Now, sir, prompt action must be taken. The dock companies must give way, or else something very serious will occur. During the whole of my life I have witnessed many demonstrations, but have never seen more orderly and quieter demonstrators than the present. Imagine fifty thousand men without food, which means, say, two hundred thousand human beings (wives and families) hungry, while the shareholders and directors of the different docks and companies have been and are living in the lap of luxury on the labor of these men, and now turn a deaf ear to their appeal for honest work and fair wages.

I remain, sir, yours, faithfully,

ALBERT BASHERT.

GORDON HOUSE, NEWNHAM STREET, WHITECHAPEL, August 22.

To the Editor of the Daily Chronicle.

SIR: If Mr. Norwood really means that the docks would lose £100,000 to £200,000 a year by conceding the men the extra wage they ask, I should like to have his figures. Mr. Norwood is a word painter, or why does he say the docks have resumed their normal condition, work going on? Save a very few inward vessels being slowly discharged by the inexpe-

rienced new hands taken on by the dock companies, no work is done. Not even mail boats can leave, because of the companies' action. Stevedores won't load, coal-heavers won't coal, ships' painters won't paint; in fact, nothing can be done to send a ship away, because the dock company won't make a concession that a high dock official assured me would cost them £20,000 to £30,000 a year. The whole gist of the matter is that the dock companies claim a monopoly here of discharging vessels, and ship-owners may not employ their own stevedores as at the outports. If this monopoly were done away with, the men would have fair play from the master stevedores, and competition among these would give the ship-owner a good chance of getting cheaper rates. At present London is a most expensive port. Jute, for instance, which can be discharged in Dundee for $2\frac{1}{2}d.$ a ton, here costs $1s. 2d.$ a ton when discharged by the dock company. Those who suffer most by the strike are not the dock companies, but the ship-owners, and yet these gentlemen are helpless because the men's quarrel is with the docks and not with them. They are asked for no concession; they have simply to stand by and look on and suffer, while highly paid ornamental officials like Mr. Norwood tell fairy tales for the benefit of the public. If Londoners don't wish to see the port of London placed at the mercy of such gentlemen as Mr. Norwood, let them ask the Government to do away with the monopoly of discharging claimed by the dock companies.

Yours, etc.,

A MASTER STEVEDORE.

GREAT ST. HELENA, E. C., August 22.

To the Editor of the Daily Chronicle.

SIR: I have been for twenty-five years going about the London docks. I know something of the lives of the men, and sympathize both with them and with the directors and shareholders in the docks affected by the present strike. I enter on no controversial matter between them, but I suggest that the dock directors and dock laborers select an arbitrator each; that the arbitrators select an umpire; that these gentlemen so selected should not be shareholders in docks, or ship-owners; that they should only have as their qualification the respect and confidence of both sides. There are many eligible gentlemen in the east end of London, and if both sides agree on this mode of settling the dispute, no difficulty will be found as to acceptable arbitrators. I could name several, but for obvious reasons refrain.

Yours, faithfully,

A. M'ALISTER.

11 WEST INDIA DOCK ROAD, E.

To the Editor of the Daily Chronicle.

SIR: In connection with this deplorable dispute it is well to point out to the business community of London one or two facts relative to the administration of the dock work, as it is closely allied to the existing disgraceful state of affairs. At the present time not only the London and India Dock joint committee but the proprietary wharves levy the most excessive rates on all classes of imports and exports. The work they perform, and for which they are so handsomely paid, is executed in a slow and irregular manner, causing at times the greatest friction and irritation to those dependent on them for quick dispatch and business exactitude.

The import and export merchant who is compelled to intrust his goods to their care has no remedy against delay or the exorbitant charges. For example, the London and India Dock committee open deposit accounts, to which are placed the various charges, which embrace such elastic terms as wharfage, portorage, rail, unhousing, rent, coopering, materials, etc. The latter usually consist of some iron nails, or a few second-hand bags, for which a charge is made at the rate of over 100 per cent.

Analyzing their tariff of charges, which is a marvelous volume of classification, and rates, and taking into consideration the extent and importance of the shipping industry of this great port, one is compelled to wonder at the present deadlock, with its accompanying inconvenience and very great loss to the public, who are losers by the incompetence and want of judgment of a monopoly that should never have been allowed.

At Liverpool, where the dock company works on a far more economical basis, and does not pay extravagant salaries to their officials, the dock laborers are paid adequate wages, and the shareholders receive 4 per cent. It is high time, sir, that a change was made in the administration of the dock committee of London.

Your obedient servant,

M. B.

LONDON, August 22.

To the Editor of the Daily Chronicle.

SIR: The London and India Docks joint committee, in reply to numerous inquiries from merchants, ship-owners, and the public for information, make the following brief statement of facts:

The labor operations at the committee's docks are conducted partly by piece-work and partly by day-work. The piece-work is performed under direct contract in the docks of the London and St. Katharine Docks Company's system, especially in relation to the discharge of ships, and under this system the men are assured a rate of 6d. per hour. There is also a system of piece-work called "plus" adopted in discharge of ships, and in certain warehouse operations. This system was introduced to give the men a direct pecuniary interest in their labor. The laborers may be classed as (1) those in permanent employment, (2) preferable men, (3) outsiders. The rate of pay for day-work is 5d. per hour for a day of eight hours, with 6d. an hour overtime after 8 p. m.; half an hour is allowed the men for dinner, without deduction from their pay. Under the "plus" system the men receive not less than 5d. an hour, and overtime at 6d. out of the fixed rate, and divide the surplus, if any, at the end of the job in certain proportions.

The average weekly receipts of the permanent and preferable laborers employed by the joint committee is from 20s. to 25s. per head.

The great difficulty in dock labor is the uncertainty of the work. It is obviously impossible, when there is little work to be done, to keep on permanent pay a staff of laborers large enough to do all the work when the docks are full. When a sudden increase of business necessitates the employment of additional men, outside men are taken on, and their numbers are sometimes as few as three thousand, and sometimes as many as fifteen thousand. These men are unskilled laborers; no inquiry of any sort is made as to their antecedents or capabilities, and they receive the same rate per hour as the preferable laborers.

The men on strike have sent the following demands as their ultimatum:

(1) That outsiders called in should not be discharged with less than four hours' employment and pay.

On this point the joint committee have given their assurance that men shall under no circumstances be engaged for less than four hours (except in regard to special short engagements in the afternoon).

(2) That the engagement of the men shall be made at two fixed periods only, viz, at 8 and 12 each day.

A compliance with this demand would obviously take the control of business out of the hands of the dock officials and interpose serious obstacles to the conduct of trade.

Tides are not at fixed periods, and necessarily the arrival of ships, and in the case of the great lines of steamers the committee have standing orders to commence discharge the moment the vessels reach the quay. Men are frequently engaged for this purpose late in the afternoon, and probably work for a considerable overtime. On the other hand, the staff may receive urgent telegraphic orders from merchants for the immediate dispatch of produce, for which immediate extra labor is required and obtained. It would be impossible, should the above demand of the men be complied with, to perform either of these operations before the following morning, to the manifest disadvantage of the ship-owner and merchant, and of the laborers themselves.

(3) That piece-work should be abandoned throughout the entire system,

No. 109, October—8.

(4) That the minimum pay for day-work be raised from 5*d.* per hour, and 6*d.* per hour overtime, to 6*d.* per hour, and 8*d.* per hour overtime.

(5) That the pay under the contract should be raised to 8*d.* an hour, and 1*s.* an hour overtime.

The demands Nos. 2 and 3 would obviously transfer the control of all labor operations from the dock managers to that of the laborers, whilst the rise of wage demanded by Nos. 4 and 5 would be equal to an advance in the expenditure on labor of at least 25 per cent.

The difficulties which dock property in London has experienced is a matter of such notoriety that it is unnecessary to allude to them in detail. The action of the committee since its creation in January last, although very encouraging, has not yet resulted in giving to the East and West India Dock Company an amount of profit sufficient to pay interest on their debenture stock, while the London and St. Katharine Dock Company were only enabled to pay their ordinary shareholders at the rate of 1½ per cent. per annum.

In the view of the joint committee a concession to these demands would be injurious not only to the interests of the men, but to the commerce of the port, and circumstances in no respect warrant it.

The present strike is not based on any substantial grievance. The great proportion of the men employed by the committee assure the superintendents that they leave work with the greatest reluctance, and only under threat of personal injury, which has already been inflicted, and are ready and willing to return to their duty if secured against molestation.

The committee's invitations for labor have met with very liberal response from all quarters, and there would not be the slightest difficulty in resuming work as usual at all the docks if proper protection to the men were given by the authorities.

It is evident that the strike has been carefully prearranged. The first intimation was given by a letter addressed to the deputy superintendent of the West India Dock, dated and received on the morning of the 13th instant, to which a reply was peremptorily demanded before noon of that day.

It was impossible for the joint committee to comply with such a demand, and the strike commenced that afternoon. Promptly the stevedores, lightermen, bargemen, coal-heavers, and ships' artificers followed suit, and by the practice of picketing forced the withdrawal of the men engaged at the wharves and docks, so that at the present moment of the number of men actually on strike the proportion of those employed by the joint committee is comparatively small.

The sole object of the joint committee is to place a fair statement of the facts before the public, so as to correct the misapprehension which now exists.

I am, sir, your obedient servant,

H. J. MORGAN,

Secretary London and India Docks Joint Committee.

DOCK HOUSE, 109 LEADENHALL STREET, E. C., August 22.

To the Editor of the Daily Chronicle.

SIR: As the strike of dock laborers is engaging some attention, I beg to be permitted to say a few words. Dock laborers are of two classes. The one, the casual laborer, recruited from all classes of society, consists largely of men who, from misfortune, from want of physical power, or from some other cause, have failed in their own walk of life; the other of men who possess much skill and great bodily strength.

The strike was of men belonging to the first class, who were working in a neighboring dock. The demand, I am informed, was for a minimum number of hours per day, and for an increase to 6*d.* per hour in the rate of pay of men employed in discharging ships. No application was made to this company—indeed there was no room for it—as the minimum number of hours had been spontaneously and cheerfully conceded by my directors last year, and no men employed in discharging ships in the Millwall Docks earned less than 6*d.* per hour, and many considera-

bly more. The Millwall Company is one of those which do not exercise their right to discharge all vessels entering the docks—the privilege, excepting as to grain cargoes, is granted to ship-owners to employ whom they please, and as a fact the work is done by master stevedores, who never pay less than 6d. per hour, and who give something in addition to the best men. The grain vessels are discharged (the technical term is “worked out”) by dock companies’ servants, as the dock company stands between buyer and seller, and its returns are accepted by both. The men employed by the company in “working out” grain earn 9d. an hour all round. The men who earn this are not casual dock laborers, but skilled men, equal to the hardest work, a credit to themselves and their employers, and deserving of every shilling they get.

Yesterday I had an interview with the Millwall men. I asked whether they had any complaint to make. The answer was “No,” and one, with the approval of his mates, stated in express terms their sympathies were with the company, that they had not struck, and had left their work only because to have continued would have endangered their lives. There is no quarrel between the Millwall Company and its men; all both ask for is that they may be left alone. But this is not granted to them. Yesterday afternoon a detachment of those on strike assaulted the dock police, broke into the dock, and forced their way on board two foreign vessels which were quietly doing their own work with their own crews, and used threats of so serious a character that the captain of one, a German, has felt it necessary to claim the protection of his ambassador, and the captain of the other was desirous of immediately taking his ship out of dock with the cargo on board.

The strike, hastily entered upon, by its violence is working its own cure, and in the end the casual dock laborer, whose position is bad enough now, and who truly states that, from the numbers seeking work, he can get employment only for about three days a week, will have the thousand men for whom employment is being found in some of the docks interposed between him and the small amount of work he now gets.

I am, sir, your obedient servant,

G. R. BIRT,

General Manager Millwall Docks.

GENERAL MANAGER’S OFFICE, DOCK HOUSE,

1 Railway Place, Fenchurch Street, E. C., August 22.

To the Editor of the Daily Chronicle.

SIR: As the position of dock laborers is engaging a considerable amount of public attention at the present time, and, as far as I have seen, only one side of the question has been presented, I beg to be permitted to make a statement with respect to the position of the men employed in these docks. The business carried on by this company is chiefly confined to wood goods and grain, and the work necessitates the employment of men in the prime of health and of great bodily strength. It is needless to say that men of this type require and obtain the very highest rates of pay that such men can command, and the men employed by this company are not at all to be compared with the “casual” dock laborer. Many of the men working at these docks have been engaged there for years, and though from the nature of the business their work is to some extent precarious, yet the high rate of wages which they are able to earn during the time that business is brisk at the docks gives them a high average wage all the year round.

Notwithstanding the agitation carried on by laborers employed elsewhere our men remained at work with their usual regularity and assiduity, and it was not until yesterday morning, when deputations from the men on strike on the north side of the Thames came over to these docks, that our men, who, up to that time, had been peacefully carrying on their work, were compelled by threats of personal violence to leave their employment.

I may add that there is no dispute of any kind between this company and their men, who are perfectly willing to work, but are prevented from doing so by the coercion to which they are subjected.

Whatever may be the claims of the strikers on the other side of the river, I think that, in justice to the respectable and hard-working men who are engaged at the docks of my company, it should be known that these men have ceased working for the reasons above referred to.

I am, sir, your obedient servant,

J. GRIFFIN,
Secretary.

SURREY COMMERCIAL DOCK COMPANY,
Secretary's Office, 106 Fenchurch Street, E. C., August 22.

THE DOCK MONOPOLY.

[Daily Chronicle, August 23, 1889.]

The dock laborers' strike continues to grow in dimension, and it has been estimated that at the present moment there are some forty-five thousand men "out." Where so many—and, we fear, not without good cause—are standing idle, there will be a few who forget how much self-restraint is essential to their interests, but we are glad to be able to think that one of our correspondents is substantially correct when he says: "During the whole of my life—and I have witnessed many demonstrations—I have never seen more orderly and quiet demonstrators." In this exemplary behavior of theirs the dock laborers are wise, and they will thus obtain for themselves, perhaps, that support in public opinion without which their best efforts might be in vain. The struggle is one of no small interest, as the numerous letters in our columns abundantly prove. On the one side we have wealthy corporations, which exercise immense authority over the argosies and the commerce brought by steam and the winds of heaven to our great river; on the other a body of men, many thousands in number, very helpless, except when organized, to obtain recognition of their right to earn a decent subsistence. Practically, the banks of the Thames are in the hands of the wharfingers and of the dock companies. In the aggregate they are the monopolists of the power of levying toll on all the untold and amazing wealth of merchandise which is borne to our capital. Surely such prerogatives and privileges properly turned to account should mean great resultant profit. Nor can we suppose that the largesse bestowed by our merchants and ship-owners, under the gentle compulsion of acts of Parliament, is a small or insignificant revenue. It supports at least, on liberal salaries, several high officials. The State protects and guards the dock companies in profitable privileges, and for a return its streets are filled with the complaints of tens of thousands of "sweated" employes. It would seem to us matter of high policy on the part of great, wealthy, and privileged corporations to seek one form of strength in "the contented allegiance of all who serve them." They admit themselves—they concede—that the laborers are right when they ask that outsiders called in should not be discharged with less than four hours' employment. They see that to continue to do otherwise would appear too obstinate an adhesion to the principle of taking advantage of woe-begone Lazarus. This is not the age when it is quite wise to argue "the man must have work or die; therefore, as he can not help himself, give him the paltry semi-starvation wage." What line of argument the dock companies adopt towards the other demands of the laborers is made plain in the communication to us from Mr. H. J. Morgan, secretary of the London and India Docks joint committee, which we print elsewhere. He avers that compliance with the second request of the men, that they should be taken on at two fixed periods only—at 8 and 12 each day—would "obviously take the control of business out of the hands of the dock officials and interpose serious obstacles to the conduct of trade." Mr. Morgan tells us a good deal about the tides and so on in their bearing on this proposition, but we imagine the men would not be inexorable here to genuine reasons if their engagement to work was arranged for in some more methodic fashion than that which has been in vogue in the past. Next come the demands for increase of wages. Mr. Morgan says that the rise of wages demanded would be equal to an advance in the expenditure on labor of 25 per cent. The main point here is whether that demand is just and rea-

sonable. It is argued that concession would diminish the profits of the dock companies, or by increasing dock charges prove fatal to London's prosperity as a port. On this last suggestion we would observe that the self-interest, if not the patriotism, of the corporations in question will probably save the Thames from disaster. On the matter of profits, a way of escape from the unpleasantness apprehended might be found in other economies and in more effective management.

A WORD FOR THE WEAK.

- [New York Herald (London edition), August 24, 1889.]

No one who is well acquainted with the east end can fail to sympathize with the dock laborer. The disabilities of his condition, the precarious character of his employment, the humiliating battles he fights for his poorly paid work at the dock gates, make him a pathetic figure among the struggling poor. If his sudden and surprising exhibition of an unsuspected power of combination should only lead to the permanent recognition of his industry, no one will regret the strike which at the moment is causing some anxiety to the authorities, and exercising the temper of the dock managers. We hope the men will continue to conduct their turn-out with that regard for the law which has characterized their movement up to the present time, and we commend their cause to the continued support of the societies of skilled artisans who have lent them a generous hand of guidance and support. We hope, in the interests of all classes, that the union of the dock laborers on a fair and just basis may be successful; it would mitigate the difficulties of the east end that arise by reason of the ever-increasing army of vagrants and paupers who invade it from all parts of the Kingdom on the chance of casual work. It is a satisfactory sign of the times that the laborers advertised for by the dock directors have not been forthcoming in great numbers. This clearly points to an improvement in the labor market of the country. The Manchester Ship-canal has no doubt been a boon to men seeking outdoor employment.

There is a certain amount of skill required even to be a thoroughly useful dock laborer, and it will surely be to the advantage of employers of labor at the docks to have in their employment men who are accustomed to the work required of them. At present no questions are asked as to character or previous occupation, and the honest laborer is thus mixed up with the riffraff and scum of every city and nation. It would be an advantage all round to have this important industry organized and settled, with sufficiently regular hours of employment to make it worth the while of the men to be on their good behavior. Moreover, there is a question of self-respect, the encouragement of which in a body of laborers, however humble, ought not to be altogether overlooked as it has been in the past. As a rule we are against strikes, and so is the public in general; but the very weakness of the dock laborer makes his battle with the giants of the city—the Gog and Magog of capital and authority—more or less heroic. If he continues to be patient and reasonably self-denying in his demands, we believe he will at least obtain an honorable compromise, which we feel sure he will readily accept.

INJURING LONDON'S COMMERCE—VESSELS CAN NOT LOAD OR UNLOAD BECAUSE OF THE STRIKE—BOTH SIDES FIRM.

The immediate vicinity of the city has a strong attack of strike fever, and the morning show, which is now a fixed part of the programme, is the center of attraction. The inconvenience to traffic is daily becoming worse. Augmented much even since Thursday, the procession again marched through the city, with flags, banners, and sundry humorous devices. Among the latter may be noted the stuffed dog, with its garnishings of herring and dry roll, which, so the placard asserts, forms the "docker's dinner." A contrast, in effigy, of the contractor's and the dock laborer's child is forcibly portrayed by a couple of suspended dolls, whose dress con-

vinces the onlooker that one is evidently in clover, and the other, if dirt and old clothes mean poverty, in an altogether precarious condition. The oil-ship workers are accompanied by a cartful of men with lighted oil torches. On one large banner is printed "Greenwood's carmen — out on principle," which bears out the fact that a large part of the movement is purely a sympathetic one.

At King William statue and the corner of Gracechurch street and Eastcheap the crowd was particularly dense, and two of the police had all their work cut out in bearing away a captured pickpocket. At this point a detachment of volunteers on march divided the attention of the crowd. "Hullo!" called out a carman, "is the army out on strike too?" "What are you on strike for?" inquired another. "A shilling a day and not so many hours of it!" the latter allusion to the strike raising a loud laugh.

As regards the statement of Mr. Norwood, that to grant a concession of the extra 1*d.* per hour would take the last vestige of a dividend from the shareholders, the fault seems rather to be the disproportionately low rates for landing many of the London imports; but there are many others which pay but very little better. Yet any rise in this landing rate would bring Liverpool into open competition, and probably wrest the trade entirely from the port of London. The position seems peculiarly hopeless.

The London docks present a most deserted appearance, the wharves being tenantless and silent, whilst operations on board ship have practically ceased. The men on strike number now about thirty-seven thousand. A new feature was added to the dispute by the strike on their own account of about four thousand lightermen, who abandoned work at first from sympathy with the strikers, but now declare that they have a grievance of their own — insufficient pay.

Messrs. Anderson, Anderson & Co. have one hundred and seventy lighters, laden with goods, alongside their vessels in the Southwest India Dock, but owing to the strike can not get the cargoes aboard. The New Zealand Company have nine sailing vessels of 1,300 to 2,000 tons lying idle in this dock. The *Ruapehu*, belonging to the New Zealand Shipping Company, is still in dock, though she should have left on Tuesday morning last with five hundred emigrants, who are now awaiting her departure on Blackwall Pier. In the East India Dock and the Royal Albert Dock are several vessels belonging to the P. & O. Company and the British India Company. The *Serapis*, owned by this company, sailed yesterday morning, she having a crew of Danes, who worked the cargo. Messrs. Donald Currie & Co. have in the East India Dock several large vessels engaged in the South African trade, but their dispatch is delayed by the strike. It is reported that the owners of a line of mail steamers to Australasia have already entered an action for £8,000 against the dock company as compensation for the detention of their ships. In place of the men on strike, the dock company have secured the services of about three hundred and fifty laborers from distant places, but they are quite inadequate to cope with the work. Late on Thursday night the strikers intercepted vans carrying food to these men and compelled the drivers to turn back.

The adjourned conference between representatives of the ship-owners and the dock company was resumed yesterday at the offices of the Peninsular and Oriental Shipping Company, Leadenhall street. Mr. Sutherland, M. P., chairman of that company, presided, and about seventy ship-owning firms were represented. A discussion lasting for about an hour and a half took place, the general opinion of the ship-owners appearing to be that the men were justified in their demands, and that the complaints against the sweating of the laborers were not ill-founded. The dock company thereupon asked whether, in the event of their agreeing to the men's demands, the ship-owners were prepared to pay higher dock rates, to which the reply was "No." Under these circumstances the dock company declared their intention of fighting the men to the utmost. Lord Brassey, at Thursday's meeting, was suggested as an eligible arbitrator, but the dock company declined to entertain the suggestion.

Several shipping firms are making arrangements for loading and unloading their vessels at Southampton. It is feared, however, that if this is done the dock laborers at Southampton may be called out by their London brethren.

At Bermondsey the dock laborers on strike, to the number of about one thousand, paid a visit to Messrs. Spratt's biscuit manufactory and induced about fifty men to come out. This has resulted in the stoppage of the works.

About forty dock laborers out of a party of sixty who came from Southampton on Thursday to work in the London docks returned to Southampton last evening. Their return fares were paid by the strikers.

A very excited meeting of carmen took place this evening in Christian street, Commercial road, in connection with the dock laborers' strike. The men employed by Messrs. Fairclough and Messrs. Seaward & Co. mustered in large numbers, and a strong determination was expressed not to resume work until they receive an increase in wages of at least 2s. a week.

SECOND REPORT.

I have the honor to supplement my dispatch, of the 24th instant with further information regarding the strike of the London dock laborers, which has since developed into one of the greatest proportions and greatest consequences. The anticipated settlement of the trouble between the dock companies and the men employed by them has not been consummated, and instead of this most desirable result the breach between them has so widened by the developments of the past week as to render even more remote than ever the possibility of a compromise. Indeed, from present appearances, there can be only one result, and that is the almost complete surrender of either one side or the other. The prompt settlement of this difficulty and the resumption of work in all places in which it has been stopped is not only demanded by the suffering business interests of the United Kingdom, but by her commercial relations with other countries as well.

When the fact is taken into consideration that there are at present nearly three hundred vessels in the Thames River awaiting loading or unloading; that the coal supply for the great manufactories here is practically shut off; that the meat and vegetable supplies are so cut down as to cause a very great advance in the prices of these commodities; that business men are losing hundreds of thousands of dollars on account of their inability to fulfill their contracts; that more than one hundred thousand men, most of them with families, are idle in the streets of London with no money with which to buy the necessities of life, and the strike now threatens to extend to many other branches of organized labor, something like an adequate idea can be formed of this disturbance and its disastrous and far-reaching results.

The vast losses entailed upon the dock companies by the strike is causing serious alarm among their stockholders. The ship-owners are not only entreating, but demanding that some arrangement be made for the speedy resumption of work at the docks, and many of them have already begun suits against the companies for damages resulting from a detention of their vessels. Manufacturers have been compelled to shut down their works on account of the failure of their coal supply, and they also threaten a resort to the law to redress their grievances. On the other side the conditions are even more discouraging. The dock laborers are men who have always found

it necessary to expend all their daily earnings in buying their daily bread. Unlike many of the working classes in America, they have no little "savings" on which they can depend in an emergency like this. "Theirs has been a "hand-to-mouth" existence, and when, either by their own act or through circumstances which they can not control, their wages are stopped, they at once become dependent upon public charity for the necessities of life for themselves and their families. They are the men who, of all others in London, can least afford to be without work.

The only material changes in the strike during the past week are those affecting its magnitude. It has steadily grown, and that, too, strangely enough, in spite of the efforts of both sides to repress its extension. Capitalists naturally did not want it to become general, while the managers of the strike themselves realized the fact that by those who were not actually engaged at the docks participating in it the number of those who would become absolutely dependent upon public charity would be much greater than could be supported. This strength in numbers would carry with it a corresponding weakness in the original cause, *i. e.*, of the dock laborers themselves, who could not hope to stay out many days unless they were provided with the means of living. The managers of the strike therefore asked that no other men than those actually engaged in the docks go out. This request was cheerfully acceded to. This state of affairs continued until Thursday, when the strikers showed a change of front. After a meeting lasting nearly all that night they issued a manifesto appealing to the workers of London of all grades and of every calling to refuse to go to work on Monday morning next unless the dock companies should accede to the demands of the strikers by to-day (Saturday) noon. This appeal was almost unanimously indorsed at all the public meetings, and in pursuance of it many of the other labor organizations have agreed to stop work on Monday.

In the meantime the first offer looking towards a concession was made on Wednesday evening, and it came from the dock companies. In effect, it was to keep the men's wages as they have been, that the men taken on before noon should receive at least 2 shillings, and that the present contract system should be converted into piece-work as soon as possible. This offer was promptly and decidedly refused by the strikers. Then the merchants, shippers, and wharfingers agreed upon another plan of compromise, but it was not even submitted to the men, as the dock companies absolutely refused to even consider it, and thus the matter stands.

During the week there have been the usual daily street parades, in which from thirty to fifty thousand strikers participated, and many large mass-meetings. Men have marched in these processions who were so weak from lack of sufficient food as to be unable to keep their places in the line. The charitable people of London, either as individuals or organized societies, have daily distributed provisions to thousands of the women and children in the east end, where the docks are situated, and it is a most pitiful spectacle to see these unfortunate people struggling and almost fighting for the bread

which is even sparingly dealt out to them. At least fifty thousand people a day have been fed in this way. The strikers are receiving thousands of dollars daily from other organizations, and profess to have promises of enough more to keep up the struggle. In view of the desperation which must attend such a condition of affairs, it seems strange that acts of lawlessness and violence on the part of the men are comparatively unknown, and the services of the large force of police on duty are but seldom needed. While many thousands of people are actually on the verge of starvation, meat, vegetables, and other provisions are rotting and spoiling in the vessels in the river, because men can not be obtained to unload them. Fifteen thousand carcasses of sheep from Australia were yesterday condemned as unfit for food on this account; and one cargo of rabbits from the same place was thrown away for the same reason. There are now seventy thousand carcasses of sheep awaiting removal from the vessels, and they, too, must soon go the way of the others.

The strike has now extended to the Dover docks, where the men have gone out for higher wages and fewer hours. It is likewise having a very serious effect on the extensive trade carried on between Manchester and America and other foreign countries. Importers and exporters are suffering alike from their inability to get their wares delivered. The iron-workers of Keighley, numbering between three and four thousand men, have struck for an advance of 10 per cent. on their wages.

I regret to report that in the street processions of the week, flags of the United States of America have been numerous displayed, evidently by those who are not under the protection of that flag by reason of their citizenship. Such displays have doubtless been made for the purpose of exciting sympathy among the Americans who are now residing in London. I have also to report that a large number of Americans, who have come here within the past fortnight as ordinary laborers on boats, and who have been offered very high wages to help unload vessels, have refused to do this work, and have participated in the demonstration made by the strikers.

The developments of to-day have a more hopeful aspect than any that have preceded them. On account of the exigencies of the case a large meeting of merchants, importers, ship-owners, and wharfingers was held, at which a compromise agreement was formulated for reference to both the dock companies and the strikers. It has been more favorably received by both sides than any heretofore made, and there seems to be a prospect of its adoption and the consequent resumption of work. As will be seen, it is virtually a concession of the demands made by the strikers, and if satisfied, will be a victory for their cause. Its terms are as follows:

(1) Outsiders called in to work on the docks shall not be discharged on that day with less than 2 shillings pay.

(2) That contract work shall be abandoned and a system of piece-work substituted by which the men shall receive the total gross receipts of the job direct from the companies, drawing, in the meantime, a minimum of 6 pence per hour, ordinary time, and 8 pence per hour, extra time.

(3) Regular men may be engaged at not less than 24 shillings per week.

- (4) That men shall not work at any dock or wharf for less wages than the above.
- (5) That the men shall immediately return to work at all docks where these terms are accepted.
- (6) That all lightermen shall at once resume work, agreeing to submit any grievances they may have to arbitration.
- (7) That all coal workers shall resume work at once.

JNO. C. NEW,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
London, August 31, 1889.

THIRD REPORT.

I have the honor to supplement my former reports regarding the strike of the London dock laborers with additional facts about it, which have a special interest to American citizens.

The causes, character, and extent of the strike are already known to the Department. In a general way it can be stated that its continuance for more than a month has resulted most disastrously to shipping and mercantile interests. Vessels can neither be loaded nor unloaded, the docks are filled with goods, much of them perishable, which can not be forwarded to their destination, and business men are suffering great financial losses in consequence. As an indication of the effect of the blockade on American commerce, I have to state that there has been a falling off in the number of invoices presented for certification at this office of more than 25 per cent. during the past three weeks. American exporters have been notified by their customers here not to send any more goods to this port until the strike is ended, as they can not be delivered here.

In connection with the strike there is one feature that deserves special mention. It has been the custom for many years for large consignments of cattle to be shipped here in the care of men who are paid a small sum upon reaching this port, and are given a pass entitling them to a return passage on the same vessel, which generally starts upon its return within a week. This pass can be exchanged for its cash equivalent, about £3, the expense of a steerage passage to New York. As the strike prevents the unloading or re-loading of these vessels, they can not return at the time specified, and in consequence these cattlemen are left here destitute and unprovided for, unless they sell their passes to provide means of living, and, if they do this, they have no way of returning to their homes. They are under no obligations, moral or legal, to assist in the unloading of the vessels, and an attempt on their part to do this is attended with danger of serious personal violence at the hands of the strikers. During the past week there have been fully one hundred of these cattlemen at this office asking that I either provide them means of living or a return passage, or compel the steam-ship companies to do it. My inability to do either has caused considerable complaint. Mr. Thomas

H. Sherman, the consul of the United States at Liverpool, complains that he has been subjected to much trouble on the same account.

There is no immediate prospect of an ending of the strike. His excellency the lord mayor of London, Cardinal Manning, and other civic and church dignitaries are using their personal efforts to effect a settlement of the difficulty. The dock companies have agreed to concede the demands of the strikers from and after January 1, 1890, but the strikers themselves will not agree to any postponement further than October 1st, and thus the matter stands.

JNO. C. NEW,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
London, September 11, 1889.

FOURTH REPORT.

I have the honor to report to the Department that the great strike of the London dock laborers, which has been in progress for more than five weeks to the detriment of business generally and international commerce particularly, has at last come to an end. The result is a victory for the strikers, whose demands were acceded to, with the exception that the new rates of wages shall not go into effect until November 4, 1889, instead of immediately, as at first demanded.

The settlement of the strike is largely due to the efforts of a self-appointed compromise committee consisting of the lord mayor of London, Cardinal Manning, and other representatives of the business and governmental interests of the city. Various propositions were made by them, and finally the following was agreed to by representatives of the dock companies and the strikers and afterwards formally approved by those for whom they appeared:

(1) The 5 pence (10 cents) per hour shall be raised in the case of all laborers not on piece-work, on and after November 4th next, to 6 pence per hour, and 8 pence per hour for overtime.

(2) Men called in to work shall not be discharged that day with less than 2 shillings pay, except in regard to special short engagements in the afternoon.

(3) The present contract work to be converted, not later than November 4th, into piece-work, under which the men will not be paid less than 6 pence (12 cents) per hour, with 8 pence (16 cents) for overtime, and the surplus, if any, to be equally divided between them—all payments being made to the men under the supervision of the dock officials.

(4) The hours of overtime shall be from 6 p. m. to 6 a. m.

(5) The existing strike shall be terminated, and all the men connected with the dock, wharf, or mine work to return to work immediately.

(6) The strikers and their leaders to unreservedly undertake that all laborers who have been at work during the strike shall be unmolested and treated as fellow-laborers by those who have been out on the strike.

(7) In employing fresh men after the strike is ended the directors shall make no difference between those who have and those who have not taken part in it, and will not directly or indirectly show resentment to any of the men who have participated in the strike.

Under this agreement the men returned to work in all the docks on Monday morning last. When they got there they found a large number of men already engaged there, being those who had been taken on during the strike. Trouble between these two sets of men resulted, and the police were called in to quiet it. In the mêlée several men were more or less seriously injured, and there have been various other disturbances of a like character since then, but no general rioting. From present indications, affairs will resume their normal condition within a few days, and business will be resumed as it was before the strike.

The London Telegraph makes a very careful estimate of the cost of the strike, supporting it by such facts and figures as were obtainable. It assumes that the financial loss to the industries and callings chiefly concerned has amounted daily to not less than £7,000. Reckoning that the strike became general on August 19th, there have been since then four weeks deliberately sacrificed, entailing a loss approaching £2,000,000. The loss does not end here, however. Demurrage will have to be paid by ship charterers, many damage suits will have to be settled, and it may be years before the total outlay produced by the strike will have been ascertained and met. The experience has cost London, in round numbers, £2,000,000 (\$9,732,000); on the other hand, it has cost the dock share and debenture holders another million more, for since the beginning of the strike the dock securities, nominally put down at £17,000,000, have fallen in value, in no case less than 4 per cent., and generally as much as 6 or 8 per cent.

Mr. John Burns, the leader of the strike, states that more than £40,000 (\$194,640) have been voluntarily subscribed to the support of the men while they were out of work. Nearly one-half of this came from Australasia, and it is a significant fact, much commented upon here, that not one cent was sent from the United States to help the strikers.

It is now expected that there will be no further interruption of trade and commerce on account of trouble at the docks, as a permanent settlement of the difficulty appears to have been consummated.

JNO. C. NEW,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
London, September 18, 1889.

WHEAT IN URUGUAY.

REPORT BY CONSUL HILL, OF MONTEVIDEO.

In obedience to instructions to report upon the occasion of wheat being shipped to Montevideo and the probability of a future trade in this article for the United States, I have to submit the following report:

The occasion of the importation of wheat from the United States arises from the short crop of last year. The crop during the last season was badly

damaged by the rains. The heavy rains that prevailed during the entire planting season that has just passed prevented the planting of a full crop, and there will necessarily be an importation of wheat next year.

The Oriental Republic of Uruguay, from its earliest settlement, has been a purely pastoral country. Its broad areas of land, well watered by the many rivers and streams that flow throughout the entire territory, and the total absence of trees and forests presents the *estanciero* (cattle farmer) with a natural pasture for his cattle and sheep. A warm and temperate climate, a bountiful and well-distributed rain-fall, and a soil that possesses a high degree of fertility produce throughout the entire year a bountiful and nutritious grass that is peculiarly adapted for the feeding of cattle and sheep. The low value placed upon lands and the small amount of labor employed in cattle and sheep farming rendered this a most profitable business. For several years immigration has been flowing into the River Plate countries, and with the supply of labor comes a demand for lands. Lands have risen greatly in value, and labor that was once insufficient for pastoral purposes is being used extensively for agricultural purposes. The *estancia* (cattle farm) is being divided up and turned into the *chacra* (small farms for the production of cereals). One impediment that seriously affects the agriculture of this Republic is the almost entire absence of country roads. During the rainy season it is almost impossible to pass over the roads with wagons or carts, and consequently the transportation of the grain is very costly and robs the farmer of his profit. It is only upon lines of railroads that agriculture is receiving much attention. The building of a railroad through any part of the Republic practically opens the land on each side of the railroad for agriculture, and the land is immediately increased in value.

Wheat and Indian corn (here known as maize) are the principal agricultural products. The lands are very fertile, and produce without manuring and with very little cultivation. Twelve hundred pounds of wheat is considered a fair yield from an acre of land.

Much seed wheat is imported from the United States, and recently seed wheat is being imported from Russia. I give below five tables, which show the exportation and importation of wheat for the years of 1880 to and including 1888, tables 1, 2, and 3. The duty on wheat and flour is arranged on a sliding scale, as will be seen from the following, which I take from the tariff law:

Wheat will pay a specific duty in proportion to the value which it has in market, to wit: When worth \$4 per 100 kilograms it pays \$1.25 per 100 kilograms; when worth \$4 to \$5, \$1; when worth \$5 to \$6, 75 cents; when worth \$6 to \$7, 25 cents; when worth \$7 to \$8, 12½ cents; free of duty when worth over \$8 per 100 kilograms.

Flour will pay a specific duty in proportion to its value in the markets, to wit: 32½ per cent. when wheat is worth \$2.40 to \$3.20 per 100 kilograms; 27½ per cent. when wheat is worth \$3.21 to \$4; 22½ per cent. when wheat is worth \$4.01 to \$4.80; 17½ per cent. when wheat is worth \$4.81 to \$5.60;

15½ per cent. when wheat is worth \$5.61 to \$6.40; 12½ per cent. when wheat is worth \$6.41 to \$7.20; 10½ per cent. when wheat is worth \$7.21 to \$8; 7½ per cent. when wheat is worth \$8.01 and higher.

I give below five tables that show the exportation and importation of wheat and flour. These figures apply to the entire territory of the Republic of Uruguay.

1.—*Exportation of wheat from Uruguay.*

Whither exported.	1883.		1884.		1885.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	<i>Kilograms.</i>		<i>Kilograms.</i>		<i>Kilograms.</i>	
Argentine Republic.....	25,440	\$1,208			238,560	\$11,332
Brazil.....	5,131	220	68,952	\$2,764	153,630	6,302
Cape of Good Hope.....					900	36
France.....	26,040	1,042			801,722	32,069
Italy.....					365,738	14,629
Paraguay.....					7,440	353
Spain.....	8,400	336	10,580	423	435,600	17,424
Other ports.....	9,680	208			6,280	273

Whither exported.	1886.		1887.	
	Quantity.	Value.	Quantity.	Value.
	<i>Kilograms.</i>		<i>Kilograms.</i>	
Argentine Republic.....	166,560	\$7,912		
Belgium.....	96,348	3,854	43,440	\$938
Brazil.....	506,775	20,359	1,120,000	50,762
Cape of Good Hope.....	290,098	11,604		
England.....	935,592	37,344	17,696	7,078
France.....	11,582	4,615	271,322	10,853
Italy.....	511,748	20,470	1,117,326	44,693
Spain.....	382,974	13,319		
Other ports.....	456,196	4,106	148,080	5,923

2.—*Exportation of flour from Uruguay.*

Whither exported.	1883.		1884.		1885.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	<i>Kilograms.</i>		<i>Kilograms.</i>		<i>Kilograms.</i>	
Argentine Republic.....					76,470	\$4,282
Brazil.....	21,960,033	\$12,291	1,158,798	\$64,893	6,034,256	337,364
Chili.....					4,600	258
France.....			8,372	469	900	51
Italy.....	28,584	1,599	1,150	64	28,810	1,613
Spain.....	82,778	4,636				
Other ports.....	2,622	147	3,200	180	39,790	2,228

2.—*Exportation of flour from Uruguay—Continued.*

Whither exported.	1886.		1887.	
	Quantity.	Value.	Quantity.	Value.
	<i>Kilograms.</i>		<i>Kilograms.</i>	
Argentine Republic.....	3,860	\$216	3,400	\$190
Belgium.....	6,900	386		
Brazil.....	11,813,532	663,271	8,634,316	487,762
Chili.....	552	31		
Cuba.....	2,188	123		
France.....	11,040	618		
Italy.....	20,340	1,130	23,920	1,340
Spain.....	22,172	1,242		
Other ports.....	62,284	3,488	9,665	521

3.—*Imports of wheat into Uruguay.*

Whence imported.	1883.		1884.	
	Quantity.	Value.	Quantity.	Value.
	<i>Kilograms.</i>		<i>Kilograms.</i>	
Argentine Republic.....	1,160,339	\$67,614	357,791	\$16,172
Brazil.....	45	3		
Chili.....	24,450	1,019	57,750	2,968
Italy.....			300	13
Spain.....			83	4
United States.....	27,000	1,126		

Whence imported.	1885.		1886.	
	Quantity.	Value.	Quantity.	Value.
	<i>Kilograms.</i>		<i>Kilograms.</i>	
Argentine Republic.....			800	\$25
Brazil.....			600	24
Chili.....			1,329,440	63,832
Italy.....	2,719	\$87		
Other ports.....	15,406	733		

4.—*Imports of flour into Uruguay.*

Whence imported.	1883.		1884.		1885.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	<i>Kilograms.</i>		<i>Kilograms.</i>		<i>Kilograms.</i>	
Argentine Republic.....	6,636	\$411	18,200	\$1,365	915	\$69
Brazil.....	17,203	1,158	13,275	1,165	22,981	1,723
Italy.....	4,487	299				
United States.....	9,844	656	35,627	2,678		
Other ports.....			3,276	255		

4.—Imports of flour into Uruguay—Continued.

Whence imported.	1886.		1887.	
	Quantity.	Value.	Quantity.	Value.
	<i>Kilograms.</i>		<i>Kilograms.</i>	
Argentine Republic.....	10,442	\$772	550	\$55
Brazil	18,286	1,375	1,007	577

5.—Exportation and importation of wheat and flour from and into Uruguay for the years 1880-'88, inclusive.

[Kilogram = 2.2046 pounds; \$1 Uruguay = \$1.0352 United States gold.]

Years.	Exportation.				Importation.			
	Wheat.		Flour.		Wheat.		Flour.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	<i>Kilograms.</i>		<i>Kilograms.</i>		<i>Kilograms.</i>		<i>Kilograms.</i>	
1880.....	1,853,370	\$97,091	928,440	\$72,836	4,990,382	\$314,659	191,481	\$12,775
1881.....	2,401,106	116,350	2,173,426	121,712	131,686	6,976	21,194	1,407
1882.....	166,905	7,489	984,908	53,139	8,823,854	544,306	779,265	74,624
1883.....	74,691	3,014	2,309,973	129,373	1,211,834	69,762	38,171	2,524
1884.....	79,532	3,187	1,171,520	65,606	416,024	19,159	70,378	5,465
1885.....	20,009,870	82,418	6,174,926	345,796	18,125	820	33,896	1,792
1886.....	3,459,673	123,583	11,942,868	670,514	1,330,840	63,881	28,782	2,147
1887.....	2,717,864	120,247	8,671,301	489,813	159	8	10,557	632
1888.....	10,147,553	415,570	15,764,826	883,392	(*)	(*)	(*)	(*)

* Not yet published.

EDWARD J. HILL,
Consul.UNITED STATES CONSULATE,
Montevideo, September 18, 1889.

AMERICAN TRADE WITH GLASGOW.

REPORT BY CONSUL BROWN.

I have the honor to submit herewith returns for the fiscal year ending September 30, 1889.

- (1) The declared exports from Glasgow to the United States.
- (2) Statement of the principal imports from the United States.
- (3) A return of the navigation of this port.

These reports may be summarized in few words. There has been a marked decrease in exports to the United States, and almost an equally marked increase of imports from the United States at this port, for the year ending September 30, 1889.

EXPORTS TO THE UNITED STATES.

The total value of the declared exports to the United States for the year aggregated the sum of \$8,166,578.88, as against \$9,320,713.01 last year, a decrease of \$1,154,134.13. This great falling off has been confined to the last three quarters of the year, in fact, the quarter ending December 30, 1888, showed an increase of \$173,973.21 over the corresponding period of the preceding year, each of the other quarters of the fiscal year showing a decided decrease, ranging from \$204,132.41 to \$572,773.64, and aggregating for the entire year the net decrease shown above. We are not advised that there has been any material advance in the price of goods usually exported to the United States, hence that can not be assigned as a reason for the decline. The state of trade in the United States has certainly been most satisfactory, and hence the cause can not lie there.

Increased confidence on the part of American manufacturers, increased production of manufactured goods at home at prices satisfactory to the American buyer, would probably be sufficient reason. Whether such conditions exist should be better understood by the producer and consumer at home than by a consul residing in a foreign state. It may be proper to remark that this large decrease in exports is not confined to any one or two articles, but covers nearly the entire list of exported goods, the most notable exception being lace curtains, lace and trimmings, nets, etc.

Statement showing the value of declared exports from the consular district of Glasgow to the United States during the four quarters of the year ending September 30, 1889.

Articles.	Quarter ending—				Total for the year.
	December 31, 1888.	March 31, 1889.	June 30, 1889.	September 30, 1889.	
Beer.....	\$4,896.98	\$4,213.06	\$1,496.20	\$4,291.27	\$14,897.51
Books.....	3,985.65	1,499.95	4,004.57	13,136.87	22,627.04
Cotton goods.....	457,224.99	389,462.64	196,671.18	242,938.43	1,286,297.24
Carpets, carpeting, and rugs.....	36,839.96	26,010.99	34,724.57	77,666.15	175,241.67
Cattle.....	1,319.54				1,319.54
Chemicals.....	84,251.10	184,933.34	83,045.17	81,772.70	434,002.31
Coals.....	33,197.98	27,824.15	13,378.34	22,239.12	96,639.59
Dogs.....	156.93	3,385.86	80.29	1,698.40	5,321.48
Earthen-ware.....	3,816.30	1,866.82	1,498.88	1,672.56	8,854.56
Fire-clay goods.....	12,055.08	5,347.42	19,164.65	10,297.28	46,864.43
Fishing gut.....	14,167.35	6,565.06	1,883.26	10,064.97	32,680.64
Flax.....	101,649.25	96,397.12	77,226.63	66,539.43	341,812.43
Furs.....	16,115.47	4,329.14	9,003.82	6,427.02	35,875.45
Gum and paints.....	11,441.18	8,514.07	1,805.76	5,140.57	26,901.58
Glass and glass-ware.....	18,043.55	14,264.44	15,201.59	408.78	47,918.36
Granite monuments.....	2,669.63	255.30	1,445.46		4,370.39
Hats and caps.....	5,257.56	2,066.04	6,655.50	11,375.84	25,354.94
Hemp and jute goods.....	3,092.73	2,251.80	3,373.48	718.00	9,436.01
Herrings.....	6,835.39	453.77	1,153.35	9,048.13	17,490.64
Hides and skins.....	84,162.67	18,875.64	10,937.06	20,126.71	134,102.08
Horses.....	48,275.68	39,491.64	44,528.47	237,407.33	369,703.12
Iron (pig).....	177,507.81	166,780.15	106,874.69	100,332.94	551,495.59
Lace curtains and nets.....	40,078.90	35,133.43	52,953.31	65,108.70	193,274.34
Lace and trimmings.....	12,954.84	34,575.52	28,727.64	26,843.83	103,101.83

Statement showing the value of declared exports from the consular district of Glasgow to the United States, etc.—Continued.

Articles.	Quarter ending—				Total for the year.
	December 31, 1888.	March 31, 1889.	June 30, 1889.	September 30, 1889.	
Linen goods.....	\$42,897.42	\$38,574.89	\$27,057.43	\$33,078.24	\$141,607.98
Machinery and iron-ware.....	46,795.00	17,756.80	27,699.61	37,345.38	129,596.79
Muslins.....	37,216.41	51,029.10	19,171.91	38,159.68	145,577.10
Paper and paper stock.....	11,381.72	17,087.45	11,773.34	13,050.44	53,292.95
Paper hangings.....	10,696.66	3,066.74	53.81	244.71	14,061.92
Printed paper.....	4,641.36	3,253.03	2,626.84	3,896.89	14,418.12
Ponies.....	754.30	3,017.23	282.25	8,031.79	12,085.57
Potatoes, seeds, and fruits.....	1,884.54	4,964.94	1,089.60	508.54	8,447.62
Provisions.....	49,427.52	4,515.37	7,603.82	10,647.69	72,194.40
Rags (old and new).....	13,804.57	18,051.52	9,777.56	9,996.62	51,630.27
Shawls.....	2,083.40	13,257.61	20,570.19	67,737.85	103,649.05
Silk goods.....	23,983.89	44,761.49	44,525.99	35,293.56	148,564.93
Steel.....	209,372.91	107,593.44	18,298.55	118,843.07	454,107.97
Steel rails (old).....			1,308.74		1,308.74
Stone and stone-ware.....	4,475.22	5,529.17	9,999.60	9,399.93	29,373.92
Tapestry and chenille goods.....	5,495.32	7,288.18	2,236.95	29,016.11	44,036.56
Tobacco pipes (clay).....	9,461.99	3,694.65	6,907.19	5,079.76	25,143.59
Thread.....	197,429.84	139,317.69	226,964.06	190,494.14	754,205.73
Union goods (cotton and woolen).....	419,513.61	245,080.54	134,795.06	165,117.39	964,506.60
Whisky.....	22,702.75	2,881.20	1,795.71	10,877.99	38,257.65
Wines and liquors.....	1,468.82	877.95	1,371.63	1,747.26	5,465.66
Wire goods.....	319.36	1,592.02			1,911.38
Wool.....	408,878.90	52,441.63	19,628.00	106,114.73	587,063.26
Woolen goods.....	81,805.53	90,695.11	63,725.76	93,754.71	329,981.11
Miscellaneous.....	10,572.28	9,177.18	10,095.81	20,661.97	50,507.24
Total.....	2,797,059.84	1,960,002.28	1,385,193.28	2,024,323.48	8,166,578.88
Total for preceding year.....	2,623,086.63	2,511,203.57	1,957,966.92	2,228,455.89	9,320,713.01
Increase.....	193,973.21				
Decrease.....		551,201.29	572,773.64	204,132.41	1,154,134.13

IMPORTS FROM THE UNITED STATES.

Referring to the import trade of Glasgow, we find there is a single notable decline, viz, that of wheat and flour, while on almost all other lines of imported products from the United States there has been a marked increase, some of which are almost phenomenal. Wheat and flour alone show a decided falling off—wheat 825,329 bushels and flour 1,078,697 cwts., and this in the face of the fact that prices have rated low in the United States. There has been a slight falling off in the cheese and lard imported; also of staves. Of dressed beef imported there has been an increase of 48,644 pounds; live cattle, 12,723 head; sheep, 4,067 (no importations of sheep last year). Corn shows the most marked increase, viz, 3,771,967 bushels; oatmeal, 25,510 cwts.; resin, 48,510 cwts.; tobacco, 25,687 cwts.; oil-cake, 23,637 bags; canned meats, 36,266 cases; and apples, 85,257 barrels. It will thus be seen that in the aggregate there has been a considerable increase in imports, a balance of trade certainly satisfactory to the American manufacturer and producer.

Statement showing the principal imports from the United States to the city of Glasgow for the year ending September 30, 1889.

Articles.	Quantity.	Articles.	Quantity.
Beef.....pounds...	17,267,668	Hams.....cwt...	113,401
Live cattle.....head...	27,347	Leather.....do.....	29,018
Live sheep.....do.....	4,067	Tallow.....do.....	38,228
Wheat.....bushels...	1,029,267	Resin.....do.....	229,121
Indian corn.....do.....	6,536,503	Shoe pegs.....do.....	1,842
Flour.....cwt...	4,174,386	Tobacco.....do.....	73,856
Oatmeal.....do.....	37,520	Oil-cake.....bags...	65,437
Butter.....do.....	12,125	Canned meats.....cases...	81,289
Cheese.....do.....	53,545	Apples.....barrels...	181,321
Lard.....do.....	61,449	Staves.....pieces...	1,219,209
Bacon.....do.....	70,903	Lumber.....do.....	160,715
Salt pork.....do.....	20,748		

SHIPPING.

Referring to the return of vessels arriving, we find a falling off, not large, of sailing vessels in both numbers and tonnage, and an increase, though slight, in steam-vessels. Not a single American sailing vessel is reported, while of steam-vessels the United States furnish 190 (as against 199 last year) out of a total of 15,632; of tonnage but 395,375 out of 3,186,871 tons.

The state of trade in Glasgow and this consular district, on the whole, as shown by the various reports of the local authorities and companies, has been satisfactory, though the latest published reports for the nine months ending September 30, 1889, show a falling off in the export trade of something over £600,000. Glasgow and vicinity is a great hive of industry, and the decline of a few millions in exports is hardly noticed. Especially is this true when its greatest industry—ship-building—shows remarkable increase and prosperity. Clyde ship-building having been made the subject of a former dispatch, further reference is not made here.

Return of arrivals of sailing vessels at the harbor of Glasgow for the year ending June 30, 1889.

Description.	1889.		1888.	
	No.	Tonnage.	No.	Tonnage.
Coasting.....	848	73,363	901	81,825
Foreign.....	121	50,348	128	53,326
Total.....	969	123,711	1,029	135,178

Countries to which the above foreign-going vessels belonged.

Country.	No.	Tonnage.	Country.	No.	Tonnage.
Britain and its dependencies.....	65	28,148	Denmark.....	2	583
Sweden.....	4	1,414	Holland.....	1	356
Norway.....	45	17,912	Belgium.....	1	507
Russia.....	1	267	France.....	1	686
Germany.....	1	475	United States.....		

Return of arrivals of steam-vessels at Glasgow.

Whence.	1889.		1888.	
	No.	Tonnage.	No.	Tonnage.
Scotland.....	10,545	735,997	10,568	720,678
England.....	1,730	786,437	1,687	760,177
Ireland.....	2,382	594,061	2,235	585,711
United States.....	190	395,375	199	407,055
Foreign.....	785	674,871	777	642,609
Total.....	15,632	3,186,741	15,466	3,116,230

L. W. BROWN,
Consul.

UNITED STATES CONSULATE,
Glasgow, October 11, 1889.

RUSSIAN PETROLEUM AT MANILA.

REPORT BY CONSUL WEBB.

Russian petroleum, which has been in competition with American oil for some time in various parts of the East, has at last found its way to Manila, and, it is expected, will be sent here regularly hereafter. The English ship *Lochiel* arrived here last week with 40,000 cases of oil from Batoum, consigned to an English house, and another cargo of 30,000 cases has been ordered. Before the arrival of the Russian product American petroleum, which was the only illuminating fluid, except cocoa-nut oil, used here, sold at retail at from \$2.87½ to \$3.25 per case, the price being regulated by the supply; but as soon as the other petroleum appeared upon the market the price at once fell to \$2.62½ for both kinds. But it was soon discovered that the Russian oil was inferior to the American, and the price of the latter rose to \$2.75, while the former was held at the same figures as before.

Unless the quality of future consignments of the Russian oil is better than that now here it will not take the place of the American with those who are able and willing to pay for a first-class article, for the latter burns with a clear blaze and little smoke while the flame from the former is dull and smoky and emits a very disagreeable odor unless the lamp is kept clean and in perfect order, something unusual in this country of easy-going servants.

The advantages claimed for the Russian petroleum are that it is cheap, that it can be transported here in sailing-vessels from Batoum in from a month to six weeks shorter time than oil can be had from the United States by the same method of transportation, and that the freight is from 5 to 8 cents a case less than from America. The Russian oil, like the American, is contained in square tin cans holding 5 gallons each. There are two cans to a case, and each case, when full, weighs 65 pounds.

ALEX. R. WEBB,
Consul.

UNITED STATES CONSULATE,
Manila, August 1, 1889.

TRADE BETWEEN EGYPT AND THE UNITED STATES.

REPORT BY CONSUL-GENERAL CARDWELL, OF CAIRO.

EXPORTS TO THE UNITED STATES.

Inclosed find declared export return for the year ending June from the Cairo district. The sum total, you will see, amounts to \$64,490.63. With a former dispatch I forwarded declared export returns for the same year from the Alexandria district, amounting to \$559,688.02. The aggregate returns, therefore, from the two districts, which covers the entire export declared, for the year from Egypt to the United States, is \$624,178.65. For the previous year it was \$358,936.22, showing an increase for the last year of \$265,242.43.

IMPORTS FROM THE UNITED STATES.

The only direct importation from the United States for the year ending June 30, 1889, was one cargo of petroleum—value of which is not stated—772,170 gallons. Really, this is but a small part of what Egypt derives from the United States. As I have shown in previous reports, a good many American products are disposed of in Egypt, while the import demand is accredited to other countries. Canned goods, meats, tobacco, and implements of various sorts figure in this unrecognized trade. In the trade records no such thing as the sale of an American agricultural machine ever appears as an Egyptian demand, and yet, to my personal knowledge, thirty grain reapers, manufactured in the United States, were sold and delivered in Egypt last winter by one agent, the representative of a Smyrna house. In the stores, everywhere, I have seen American canned goods, American hams and bacon and lard, some American butter (so called), chewing and smoking tobacco, and various classes of Yankee notions. It is very difficult to make an approximate estimate of this unrecognized demand for American goods, but I am sure it amounts to over a quarter of a million dollars a year as the trade now goes, with every effort being made by European manufacturers to exclude from the East all American products. Our manufacturers make no effort to place their products in the East, where, as I have often attempted to show, there is a profitable field for them. Direct shipments and intelligent presentation of products are what is required to secure the consumption of much American production in the East.

I have labored zealously in the widening of trade with the United States, and there are evidences showing that my efforts have accomplished good; but without direct shipments, with no American ships, consular zeal is almost thrown away. Taking declared exports and imports, and adding to them the unrecognized trade in both directions between the United States and Egypt last year, I place the estimate of reciprocal demand at \$1,500,000. Through agencies such as I have often suggested this could at once be doubled, with steady future increase.

326 TRADE BETWEEN EGYPT AND THE UNITED STATES.

Statement showing the declared value of exports from the consular district of Alexandria to the United States during the four quarters of the year ended June 30, 1889.

Articles.	Quarter ending —				Total for the year.
	September, 1888.	December, 1888.	March, 1889.	June, 1889.	
Baggings.....			\$670. 59		\$670. 59
Bones.....			33,610. 25		33,610. 25
Cigarettes.....	\$154. 91	\$62. 39			217. 30
Coffee.....			136. 19	\$276. 18	412. 37
Cotton.....	34,390. 37	114,429. 51	239,417. 98	58,345. 93	446,583. 79
Curiosities.....			161. 87		161. 87
Iron (old).....			18. 61		18. 61
Machinery (old).....			9. 43		9. 43
Onions.....				2,560. 56	2,560. 56
Rags.....			50,789. 01	23,339. 99	74,129. 00
Sweets.....	20. 77				20. 77
Wool.....		1,293. 48			1,293. 48
Total.....	34,566. 05	115,785. 38	324,813. 93	84,522. 66	559,688. 02
Preceding year.....					263,330. 66
Increase.....					296,357. 36

Statement showing the declared value of exports from the consular district of Cairo to the United States during the four quarters of the year ended June 30, 1889.

Articles.	Quarter ending —				Total for the year.
	September 30, 1888.	December 31, 1888.	March 31, 1889.	June 30, 1889.	
Antiques.....				\$160. 86	\$160. 86
Arms (old).....			\$39. 50	145. 00	184. 50
Brasses.....			391. 40	482. 46	873. 86
Cigarettes.....	\$180. 14	\$1,643. 04	1,630. 53	1,016. 31	4,470. 02
Curios.....			383. 47		383. 47
Embroideries.....			833. 97	291. 10	1,125. 07
Jewelry.....				19. 50	19. 50
Musical instruments.....				20. 00	20. 00
Musk.....	490. 52		1,635. 09		2,125. 61
Onions.....	5,802. 32				5,802. 32
Paintings (in oil).....				37. 50	37. 50
Photographs.....			3. 86		3. 86
Rugs.....	453. 59	125. 50	1,439. 98	2,704. 15	4,723. 22
Senna.....	5,852. 42	444. 04	6,263. 26	2,898. 22	17,457. 94
Skins (raw).....	4,812. 19	4,499. 99	10,422. 05	5,626. 93	25,361. 16
Wood-work.....	569. 89	39. 71	366. 40	180. 50	1,156. 50
Miscellaneous.....				585. 24	585. 24
Total.....	18,161. 07	8,752. 28	23,409. 51	14,167. 77	64,490. 63

JOHN CARDWELL,
Agent and Consul-General.

UNITED STATES AGENCY AND CONSULATE-GENERAL,
Cairo, September 21, 1889.

MEXICAN PRODUCTS AND EXPORTS.

REPORT BY MINISTER RYAN.

I have the honor to furnish the Department the following statements of Mexican products and exports, prepared from official data. It will be observed that the productions are estimated. The system of this Government for the collection of statistics of products is so imperfect that the figures here given relative thereto can not be looked upon as more than approximations, but they are the nearest to accuracy that can be obtained. The statistics of the exports and their values, however, are supposed to be correct.

Mexican production and exports.

Articles.	Production.		Exports.	
	Quantity.	Value.	Quantity.	Value.
Sugar.....tons...	70,000	\$8,000,000	1,878	\$107,276
Coffee.....pounds...	25,000,000	5,500,000	14,361,789	2,431,025
Corn.....bushels...	137,761,000	115,000,000	34,225	25,880
Wheat.....do.....	11,074,000	20,000,000	2,250	1,604
Ixtle.....tons...	3,927	400,000	3,570	361,687
Hennequen.....do.....	41,000	6,900,000	36,755	6,229,451

NOTE.—In this table the production is estimated. The Mexican ton = 2,204 American pounds; the bushel contains 56 pounds. The values are in Mexican silver, viz, \$1 Mexican = 73.9 cents American.

From this statement it will be noticed that the productions of sugar, corn, and wheat are remarkably small; that the average value of the sugar product is about 5½ cents per pound, and the export thereof 2½ cents per pound, aggregating only \$107,276, said to be the most inferior grade; that the average value of the coffee product is 22 cents per pound, about one-half of which is exported at a value of 16.9 cents per pound, and that the value of the hennequen (hemp) export is more than twice the combined value of the entire export of sugar, coffee, corn, wheat, and ixtle (fiber).

I also transmit herewith clippings from the Two Republics; of yesterday morning, containing interesting extracts from the semi-annual bulletin of the statistics of the products of Mexico (Boletin Semistral, etc.), copies whereof herewith please find.

It is worthy of observation that the native sugar product coming into the city of Mexico has steadily decreased from 8,584,558 kilograms in 1884 to 4,681,207 kilograms in 1888. These statistics also disclose that there has been a steady increase of beef consumption in this capital from 59,751 beeves slaughtered in 1878 to 83,228 slaughtered in 1888, and an increase of mutton consumption from 92,031 sheep in 1878 to 130,263 in 1888.

THOMAS RYAN,
Minister.

UNITED STATES LEGATION,
Mexico, September 23, 1889.

STATISTICS OF MEXICO.

[Inclosure from the Two Republics, of September 22, 1889, in Minister Ryan's report.]

The semi-annual bulletin of the statistics of this Republic has just been issued by the secretary of public works. Some of the more interesting items are given below :

Catholic churches.—Archbishopric of Mexico, 1,857; bishopric of Puebla, 2,700; bishopric of Oaxaca, 1,134; bishopric of Chiapas, 540; bishopric of Yucatan, 318; bishopric of Tabasco, 112; bishopric of Tulancingo, 470; bishopric of Vera Cruz, 164; bishopric of Chilapa, 454; bishopric of Tamaulipas, 80; archbishopric of Michoacan, 358; bishopric of San Luis Potosi, 204; bishopric of Queretaro, 136; bishopric of Leon, 123; bishopric of Zamora, 136; archbishopric of Guadalajara, 482; bishopric of Durango, 295; bishopric of Linares, 171; bishopric of Sonora, 255; bishopric of Zacatecas, 120; apostolic vicarship of Lower California, 3; total, 10,112.

Protestant churches.—Federal district, 21; state of Mexico, 5; state of Michoacan, 13; state of Puebla, 13; state of Guanajuato, 4; state of Guerrero, 1; state of Queretaro, 2; state of Jalisco, 2; state of Tlaxcala, 1; state of Morelos, 10; state of Tabasco, 2; state of Hidalgo, 2; state of Vera Cruz, 3; state of Aguas Calientes, 1; state of Tamaulipas, 3; state of Nuevo Leon, 1; state of Zacatecas, 2; territory of Lower California, 1; total, 88.

Museums.—The following are the museums in the Republic: In this capital, Museo Nacional, Academia de San Carlos, Escuela Preparatoria, Escuela de Ingenieros, Escuela de Agricultura, Escuela de Medicina; in Guadalajara, Instituto de Ciencias; in Oaxaca, Galeria de Pinturas Antiguas; in Puebla, Academia de Bellas Artes; in Jalapa, Historia Natural; in Cordova, Historia Natural; in Orizaba, Historia Natural.

Public libraries.

States.	Names.	No. of volumes.
Federal district.....	National	150,000
Do.....	Cinco de Mayo.....	9,000
Do.....	Preparatory School.....	10,000
Do.....	Commercial School	2,000
Do.....	Law School	14,000
Do.....	Academy of Fine Arts	2,000
Do.....	College of Engineers.....	7,000
Do.....	College of Agriculture.....	4,000
Do.....	College of Medicine.....	3,000
Do.....	Museum	2,000
Do.....	Society of Geography.....	4,000
Aguas Calientes.....	Civil Institute	3,000
Campeche.....	Campechano Institute.....	3,000
Chiapas	Literary Institute.....	4,000
Durango.....	Juarez Institute.....	6,000
Jalisco.....	Guadalajara	25,000
Mexico.....	Literary Institute.....	10,000
Michoacan.....	Morelia	15,000
Oaxaca.....	Public Library.....	15,000
Puebla	Palafoxiana.....	25,000
Queretaro	Civil College.....	12,000
San Luis Potosi.....	Public Library.....	7,000
Vera Cruz.....	San Francisco	8,000

Besides the above every university or state college has a library for the use of the pupils.

Railroads.—Standard gauge, 3,942 miles; narrow gauge, 1,892 miles; street-car lines, 146 miles; total, 4,980 miles.

Telegraphs.—Federal lines, 265 offices, 14,842 miles; state lines, 183 offices, 4,430 miles; private lines, 78 offices, 4,362 miles; railroad lines, 241 offices, 4,227 miles; totals, 767 offices, 27,861 miles.

Telephones.—Government and state lines, 3,715 miles; railroad lines, 400 miles; total, 4,173 miles.

The lines in the states of Aguas Calientes, Michoacan, Nuevo Leon, and the territory of Lower California are omitted from the above as the data had not been received.

Post-offices.—Post-offices, 375; mail agencies, 726; branches in federal district, 13; total, 1,114.

Light-houses.—There are two light-houses at Vera Cruz, and one each at Tampico, Alvarado, Coatzacoalcos, Frontera, Xicalango, Campeche, Celestun, Sisal, Progreso, Guaymas, Mazatlan, and Acapulco.

Passengers by steamers.—Following is a report of the number of passengers that arrived at and departed from the Gulf and Pacific ports by vessel:

Year.	Arrived.	Departed.
1884.....	15,828	12,975
1885.....	14,813	12,033
1886.....	15,815	13,385
1887.....	24,136	18,736
1888.....	26,681	22,612

It will be noted that the increase has been steady despite the fact that three lines of railroad have been completed to the northern frontier, and that no report is given of passengers entering the Republic or departing by rail.

During the last year, 1888, the nationality of these passengers was as below:

Nationality.	Arrived.	Departed.
Mexicans.....	16,736	14,779
Americans.....	4,291	4,067
British.....	569	264
French.....	783	671
Spanish.....	2,654	1,764
Germans.....	477	300
Turks.....	278	175
Swiss.....	12	17
Italians.....	469	357
Chinese.....	124	137
Other Nations.....	288	81
Total.....	26,681	22,612

Public houses, etc.—In the city of Mexico the following are in existence: Hotels, 30; lodging-houses, 25; mesones, 16; inns, 2; bowling-alleys, 9; billiard rooms, 34; ball-alley, 1; shooting-galleries, 2; bakeries, 42; coffee-houses, 43; restaurants, 486; saloons, 620; pulquerias, 822; breweries, 5; tobacco factories, 15; tobacco stands, 1,201; pawn shops, 67; butcher shops, 315; tallow-chandlers, 116; soap factories, 10; soap stores, 21; total, 3,822.

Agricultural products.—During the year 1888 the following crops were harvested throughout the Republic, the amounts being given in hectoliters of 2.838 bushels to the hectoliter: Barley, 2,095,000; wheat, 4,026,925; corn, 46,458,840; beans, 2,735,000.

Cotton factories.—Following is the annual production of the cotton factories :

Location.	No.	Pieces.	Value.
Federal district	6	452,400	\$1,583,400
Agua Calientes.....	3	36,000	126,000
Coahuila	8	32,000	1,057,000
Colima	2	48,000	168,000
Chihuahua	3	90,000	315,000
Durango.....	7	150,000	525,000
Guanajuato.....	4	272,400	953,400
Guerrero.....	1	24,000	84,000
Hidalgo.....	1	16,800	58,800
Jalisco	10	282,000	987,000
Mexico.....	3	186,800	653,800
Michoacan	3	114,000	399,000
Nuevo Leon.....	3	54,090	189,000
Oaxaca.....	2	72,000	252,000
Puebla.....	22	995,200	3,483,200
Queretaro	3	150,000	525,000
San Luis Potosi.....	1	33,408	116,928
Sinaloa.....	3	141,600	495,000
Sonora.....	1	12,000	42,000
Tlaxcala.....	2	26,400	97,400
Vera Cruz.....	8	287,700	1,006,950
Yucatan.....	1	15,600	54,600
Zacatecas.....	1	6,000	21,000
Total	98	3,768,308	13,189,078

Woolen factories.—Woolen factories exist as follows: Federal district, 4, producing 162,000 pieces of cassimere annually. State of Mexico, 3; production, 150,000 pieces of cassimere and carpet. Puebla, 5; production, 550,000 pounds of yarn. Hidalgo, 3; production, 125,000 pieces cassimere. Guanajuato, statistics of one only; produces 85,000 cuts of cloth and cassimere and 50,000 yards of carpet annually.

Paper-mills.—There are seven paper-mills in the Republic—two in Jalisco, one in Vera Cruz, and four in the federal district.

Porcelain factories.—There are a few small ones throughout the Republic, but the bulk of the ware comes from two in the federal district.

Miscellaneous.—There are 385 newspapers and periodicals published in the Republic. Of these 120 appear in this capital. There are 58 literary and scientific societies in this Republic, of which 21 are in this city.

The superficial area of this Republic is 1,987,063 miriars (a miriara is 1,000 ars; an ar is 100 square meters, or a piece of ground 10 meters square).

The population of the Republic is placed at 11,490,830, of which 1,079,546 live in state and federal capitals. There are fifteen cities with more than 20,000 inhabitants each.

There are seventy frontier and maritime custom-houses.

Colonies.—There are twenty colonies established in the Republic. They contain 2,236 men, 1,395 women, and 2,688 children; total, 6,319. The nationality of these colonists is as follows: Austrians, 2; Spaniards, 8; Brazilians, 5; Norwegians, 6; Swedes, 1; Belgians, 7; Cubans, 10; Mexicans, 1,411; Germans, 65; French, 130; English, 125; Americans, 832; Danes, 67; Canadians, 34; Irish, 35; Scotch, 41; repatriated Mexicans, 2,514; Majorcans, 39; Italians, 925; Swiss, 12; Africans, 50; total, 6,319. The Topolobampo colony has 95 members—74 Americans, 17 Irish, 4 Germans. The Mormon colony in Chihuahua has 357 Americans, 102 English, 61 Danes, 57 repatriated Mexicans, 26 Scotch, 11 Swiss, 10 Germans, 9 Italians; total, 650. The Tapachula colony, established by Dr. Edward Clay Wise, contains 62 Americans, 23 Germans, 6 Scotch, 2 Irish; total, 93.

IMPORT AND EXPORT DUTIES OF BRAZIL.

REPORT BY CONSUL BURKE, OF BAHIA.

The sources from which this province (Bahia) derives its revenue are from export and import duties and a 5 per cent. tax on the rental value of private residences and commercial houses. The greater part of the duties collected are forwarded to Rio de Janeiro, as they are, of course, levied by authority of the General Government.

It is said that some of the provinces impose an extra duty, both import and export, in addition to the State duty.

The export duty collected at this port for the year mentioned amounted to 958,646 milreis and the import to 10,582,296 milreis.

The duties—general and provincial—on articles exported from Bahia are as follows: Cocoa pays 16 per cent. ; coffee, 14 per cent. ; hides, 19 per cent. ; goat and sheep skins, 5 per cent. ; diamonds, 3 per cent. ; carbonate, $4\frac{1}{2}$ milreis per oitavo; tobacco, 16 per cent. ; rubber, 14 per cent. ; piassava, 20 per cent. ; sugar, free; woods, 23 per cent. As far as I can learn the above is a correct list.

The import duty, as given to me, on the articles specified is as follows: Flour pays 16 reis per kilogram—equivalent to $0\frac{3}{4}$ cent—general and 5 per cent. emancipation tax; corn, 15 reis per kilogram general and 5 per cent. emancipation tax; onions, 80 reis per kilogram general and 5 per cent. emancipation tax; beans, 30 reis per kilogram and 5 per cent. emancipation tax; potatoes, 10 reis per kilogram and 5 per cent. emancipation tax; cod-fish, 50 reis per kilogram and 5 per cent. emancipation tax; pressed hay, 15 reis per kilogram and 5 per cent. emancipation tax; timber, 94 reis per cubic meter, and 5 per cent. emancipation tax, and 7 per cent. provincial tax.

The emancipation duty is, I believe, an export as well as an import duty. It was first levied some three years ago under a law of the General Government in order to aid in promoting emancipation. Though the slaves have been emancipated for more than a year the tax is still collected.

In regard to the rubber, of which Brazil has practically a monopoly, I am informed that besides the Government duty of 9 per cent. the province of Amazonas has levied an export tax of 9s. on each seedling and 5s. per pound on each pound of seed.

The provinces of Maranhão, Pará, and Amazonas, on or near the equator and adjoining one another, form, it is said, the largest rubber district in the world. But little rubber is exported from this province.

The chief exportation is tobacco, nearly all of which goes to Germany for the manufacture of cigars and cigarettes, and snuff. Some is sent to the River Plate also, but the quantity that goes there is small in comparison with what Germany takes. From 275,000 to 300,000 bales of arrobas (an arroba is about 15 kilograms) were shipped to Germany last year.

Sugar is the second largest product exported from Bahia, nearly all of which goes to the United States. The usual crop was not raised last year, owing to the fact that slave labor had been abolished and other labor could not be procured.

The outlook for the crop this year is said to be more gloomy than it was last, for in addition to the foregoing reason the drought that prevailed in the province the early part of the year seriously injured the growing crop.

DAVID N. BURKE,

Consul.

UNITED STATES CONSULATE,

Bahia, September 28, 1889.

IMPORTS AND EXPORTS OF BAHIA.

REPORT BY CONSUL BURKE.

The imports at Bahia during the year 1888 amounted to 26,754,800 kilograms (1 kilogram = 2.205 pounds), valued by the customs officials at 26,750,282 milreis (1 milreis = 54.6 cents). No particulars are given as to the values of imports for each country. The quantities imported from the principal countries were as follows, in kilograms: From England, 11,220,000; Germany, 3,734,672; Uruguay, 3,293,381; the United States, 2,869,210; France, 2,863,679; Portugal, 1,726,788. If the value per kilogram of all imports was alike, this statement would enable one to approximate the values for each country, but as the values for the several countries vary it is of little use in this connection.

The value of all exports from Bahia on which an export duty was paid, according to the custom-house figures, reached the sum of 11,623,078 milreis. Germany is represented as having taken 5,690,284 milreis, or nearly half of the whole value exported, of which some 3,481,850 milreis in value was tobacco. England took in value from Bahia, 1,806,273 milreis; France, 1,695,970 milreis; Belgium, 1,357,589 milreis; Uruguay, 100,427 milreis. These figures show that while England buys from Bahia products to the value of 1,806,273 milreis she sells to Bahia goods to the approximate value of 11,220,000 milreis, which is nearly equal to the entire value of the exportation from Bahia paying export duty. The figures show further that the excess of her exportation to this port over her importation from it, is (approximately) 9,413,721 milreis. The figures show that Germany buys of the products of Bahia 1,945,612 milreis more than she sells; France sells 1,187,709 milreis more than she buys; Portugal, 1,654,529 milreis more than she buys; Uruguay, 3,192,954 milreis more than she buys. It appears that the United States bought but 572,046 milreis' worth of the products of Bahia, while she sold 2,869,210 milreis' worth of goods. Of the exported products enumerated only those products are mentioned on which an export duty is levied. As sugar goes out free it is not mentioned in the figures from the custom-house, but, as before stated, the declared value is taken from the

consular invoices for the year given of that sent to the United States, and the rest received from other sources.

The United States received 448,265 bags of the sugar exported from Bahia during 1888, with a declared value of 3,374,934 milreis. Add to this the value of the other products purchased, as coffee, cocoa, etc., viz, 572,046 milreis, and we have the entire purchases of Bahia products by the United States, viz, 3,946,980 milreis. Then, for the year specified, the United States exported to Bahia 2,869,210 milreis of goods, and imported products from Bahia to the value of 3,946,980 milreis, showing an excess of importation over exportation with this port of 1,077,770 milreis. In addition to the 448,265 bags of sugar that were sent to the United States, there were about 120,000 bags exported to other countries, making the total sugar export from Bahia for the year 568,265 bags, with a value of 4,278,534 milreis. This, added to the official value of the other products exported to foreign countries from this port, shows the entire export value to be 15,901,612 milreis, against an importation value of 26,750,282 milreis. There is an excess of 10,848,670 milreis of imported merchandise at this port over exported products.

This condition of affairs for this province, brought about largely by slave emancipation without compensation to the owners, will in a great measure account for the depreciated sugar plantations and house property, and the piling up of mortgages mentioned in a former dispatch, together with the estimated deficit and debt of the province.

DAVID N. BURKE,

Consul.

UNITED STATES CONSULATE,

Bahia, September 28, 1889.

THE BIG KRUPP GUN.

REPORT BY CONSUL PARTELLO, OF DÜSSELDORF.

In addition to the report made by me on the Krupp Gun Works at Essen, within this consular district, under date of July 20 last, I submit the following brief description of the largest gun that has as yet been manufactured at the above works, and shipped the latter part of August to Cronstadt, Russia:

This gun is made of the finest quality of cast-steel; weight, 270,000 pounds (135 tons). The caliber of the gun is about 16¼ inches. The barrel is 44 feet long, the core having been removed in one piece, in the manner referred to in my report of July 20. The greatest diameter is 6½ feet, and the range of the gun about 12 miles. It will fire two shots per minute, each shot costing (as per estimate) \$1,500. At the trial of the gun, held in the presence of Russian officers and many others at Meppen, the range near Essen, on the Ruhr, which belongs to Mr. Fred Krupp, the projectile, 4 feet long and weighing 2,600 pounds, was propelled by a charge of 700 pounds of powder, penetrating 19 inches of armor and went 1,312 yards beyond the target.

The gun had to be carried from Essen to Hamburg on a car specially constructed for the purpose, and from there to its place of destination on one of Krupp's steamers. Work is now being pushed forward on several guns of this class, and a number of smaller ones which have been recently ordered.

The force of employes at Krupp's has been increased of late, and, on account of the orders from the German Government, at the present time largely engaged in building railroads, new and expensive stations, and other public works, and on account of the present activity of inland trade (with the exception of guns), the Krupps are busy with home orders and contracts, as most of the large establishments in iron now are. This state of affairs, it is said, will last a year longer, when the overproduction must find foreign markets or serious financial troubles will follow.

D. J. PARTELLO,
Consul.

UNITED STATES CONSULATE,
Düsseldorf, September 16, 1889.

MALAGA VS. AMERICAN GRAPES.

REPORT BY CONSUL MARSTON.

The large production of California raisins within the last two years has had a disastrous effect upon the sales and shipment of Malaga fruit to the United States. The Spaniard is beginning to realize the fact that there are other countries besides Spain where raisins can be successfully produced. In 1882 the crop of raisins produced in Malaga reached 1,900,000 boxes, of which there were shipped to the United States nearly 1,000,000 boxes. Since that time shipments to the United States have been gradually but steadily decreasing until 1888, when the total production only amounted to about 700,000 boxes, of which 112,000 only have been exported to the United States. This is a fearful decline in six years, but it is partly owing to the decline in yield. There are many persons here who predict that the vintage of 1889 will reduce still further the purchases made for exportation to the United States, and that in a few years Malaga raisins will be replaced for our home consumption by those produced in California.

There are other reasons why the raisin trade of Malaga has fallen off. In the first place, raisins are not used now as in former times as dessert at almost every hotel table and public dinner. Twenty years ago the public dinner was never given without them. Again, the perfection to which fresh fruit put up in their own juices is offered for sale, in almost every part of the world, at so small a cost, in glass and tin, has changed entirely the former use of dried fruit. The people prefer the fresh fruit, and it is offered at such reasonable prices that it is within the reach of almost every one.

The vines in the province of Malaga, for the last ten or twelve years, have, in certain localities, suffered greatly from the phylloxera, but here the attack of this plague has been slow, appearing to the eastward of Malaga first,

in isolated places. When found they would replant by grafting the American Ripara vine, but it takes four or five years before these new vines begin to yield. This has been going on for years, and where one vineyard would produce from the new vines others would be attacked, so that the former total crop, as say in 1882, has not lately been produced. But I may add that in a few years the yield will compare favorably with former times, and the prices, with California competition, will be considerably reduced.

H. C. MARSTON,
Consul.

UNITED STATES CONSULATE,
Malaga, September 6, 1889.

THE NEW PORT OF LA PALLICE.

REPORT BY CONSUL EARLE, OF COGNAC.

I have to call the attention of the Department to the great artificial port at La Pallice, begun by the French Government some eight or nine years ago, and now rapidly approaching completion. It promises to be a port of the first rank, and I deem it expedient to go very much into detail in my description of it that the Department may be able to determine the advisability of establishing there a commercial agency or a consulate. The following description is based on a personal visit to the works, under the guidance of one of the engineers-in-chief, and upon subsequent correspondence with that official.

HISTORY AND SITUATION.

There is no good port on the west coast of France south of the peninsula of Bretagne. Bordeaux is the best, but its situation on the Gironde River, quite a distance from its mouth, the existence of a bar in the harbor which re-accumulates almost as fast as it is dredged away, together with the accumulations of river mud, which add to the obstruction, apparently prevented the French Government from locating any extensive permanent harbor improvements there. According to Reclus*—the best authority I am acquainted with—it is always dangerous for large vessels, even at high tide, to attempt the entrance of the port of Bordeaux. The limit this author gives as 5.30 meters draft. He also explains the hopelessness of any attempt to make a first-class port of Bordeaux.

As to La Rochelle as a port, it is nothing. The harbor is quite filled up with sand, and its commerce is confined to coastwise trade in small steamers and schooners and fishing. During my visit there I was informed by the collector of customs that there had been only one vessel sailing under the American flag in the port for five years. The French Government, therefore, wisely decided to spend no money in trying to construct a great sea-port at La Rochelle on the site of the old one. They preferred to go a little higher

*Nouvelle Géographie Universelle de la Terre et des Hommes par Elisée Reclus. Paris, 1885: Hachette & Cie.

up the coast, to a rocky point, which they have named La Pallice, about 6 kilometers west of La Rochelle, and make there a port *de novo*.

Before these works were begun that which is now La Pallice was partly in farms and partly in barren sea-coast, ribbed with ledges of partly exposed rock. There was, therefore, no great difficulty or expense about acquiring a site for the port. The geological formation of the country is stratified chalk-stone. It underlies the whole country at a very shallow depth, and along where the coast dips down to the sea the strata project, forming irregular steps. The strata are from a few inches to a foot or so in thickness. The stone itself is a soft sort of chalk-stone, easily mined with a pick and shovel, but which hardens on exposure to the air, and makes excellent building material. The entire harbor—outer port, inner basin, locks, dry-docks, and, in a word, all the excavations, were literally hewn out of rock. The entire floor of the harbor is of smoothed off or leveled stone. The walls, with the exception of the long outside walls or jetties, are simply a rock quarry of soft stone, faced up and cased with granite; it is only that part of the wall, however, which forms the outer and upper surfaces that is cased in granite. All the rest of the masonry is composed of stone found on the spot. Of course, there was a great deal more stone quarried than was needed for the construction of the walls of the port. This surplus of stone has been carefully laid to one side, and will be either utilized for further Government improvements or will be sold to private contractors for the building of private houses, shops, etc. It is a cardinal principle here in France that nothing be lost and that every side product be utilized.

DESCRIPTION OF THE PORT.

In giving a description of the port it will be necessary to divide the subject into several heads, as (1) the *avant* port, or outer port; (2) the passages, or *passerelles*; (3) the construction port, or *port de service*; (4) the locks, or *ecluses*; (5) the inner port, or *bassin*, and, lastly, the dry-docks.

Outer port.—This forms an irregular triangular figure with its base directed towards the coast and its apex towards the channel which exists between the island of Oléron and the island of Ré. The ends of the sand bars marking the extremities of these two points of land and the width of the channel of deep water between them are indicated by two light-houses. Coming into port the one on the left is on the island of Ré and the one on the right on the island of Oléron. These two light-houses are about a quarter of a mile apart and about 1 mile from the entrance to the port. The entrance to the outer harbor itself is 90 meters wide, and is to be marked by two light-houses raised on two buttresses at either side of the entrance. The total area of this basin is 14 hectares, or about 35 acres. The long outer or sea walls are 13½ meters high, including the foundations, and are 8 meters thick at the base and 5 meters at the top. As I said before, the wall is composed of the stone dug on the spot and cased on the outer and inner sides with hewn granite and coped and paved on top with the same material. The depth of water in the

outer port will vary from 9.70 to 11.50 meters at high tide to 5 to 7 meters at low tide, depending on the season of the year. The depth sought for the basin is the average depth of the channel leading to it. There are *batardeaux* and *passerelles*, or permanent openings for the future, but now filled with temporary masonry. These *passerelles*, or passages, are simply a row of piers to divide the outer part into greater and smaller basin. The latter is to be used as a substitute for the *port de service* when the water is let into the greater basin of the outer port. Doubtless, also, it is intended to use it as a permanent harbor for all smaller craft. The height of the walls and depth of water is the same in the two basins.

Port de service.—This is a purely temporary excavation, and is now used by the small craft bringing material and supplies for the port. It is reached through the smaller outer basin, whose walls are not yet complete. It will be closed up, however, as soon as the water is let into the outer port. The materials may then be delivered at whatever part of the port they may be required.

Locks, or ecluses.—This is a magnificent piece of work. The canal is provided with four sets of gates. They are all of iron, and that part of the floor above which they swing is solidly paved with granite. The first set of gates open outwards, the other three inwards. The first or outer pair of gates are only to hold back the water of the outer port from the time it shall be turned in till they are ready to turn it into the inner basin. The space between the second and third pairs of gates forms the smaller lock, 52.30 meters long. This is for the smaller vessels. The distance between the second and fourth gates forms the principal lock, 165 meters long.

Inner port, or bassin.—This, of course, is the principal feature of the port. Here the vessels will lie protected from the winds and waves, and they will discharge and receive their cargoes. The height of the walls and the plane of the floor is the same as in the outer port, only a uniform depth of from 8.70 to 10.50 meters of water will be constantly maintained, regardless of the state of the tides. The land surrounding the basin is reserved for wharves, warehouses, tram-ways, railroads, and all facilities for handling, moving, and storing merchandise.

Dry-docks.—The pump-house for these basins is at the end of the smaller dry-dock.

CONCLUSION.

In conclusion, it seems to me that La Pallice is destined to be one of the great ports of France. The work completed and that in progress is on a liberal, generous scale, and of a very solid, substantial character. It has already cost the Government about 21,000,000 francs.

The Compagnie Générale Transatlantique is already under a contract with the French Government to establish a regular line of steamers from La Pallice to an American port as soon as the port shall be open. They have secured 400 meters along the south of the inner basin, from the entrance to the dry-dock to the corner, for their wharves and warehouses.

A railroad was being surveyed at the time of my visit to La Pallice, to connect that place with La Rochelle.

The administration is preparing a large map showing the entire scope of the work, the arrangement of the warehouses, division of the public territory, etc. This map will probably be printed in the course of a few months, and as soon as I can get a copy I will forward it to the Department.

Wages.—I asked the chief engineer how much his men were paid for day labor. He said that living was very dear at La Pallice and accommodations very scarce, and that they had, therefore, to pay the men an unusually high price. He said they were paid for work with pick and shovel and such like labor 3 francs (58 cents) a day and found themselves. He said such work was really worth only $2\frac{1}{2}$ francs a day, and as soon as they could get accommodations for the men the wages would be reduced to that.

EDWARD P. EARLE,
Consul.

UNITED STATES CONSULATE,
Cognac, September 11, 1889.

CONSUMO TAXES IN SPAIN.

REPORT BY CONSUL TURNER, OF CADIZ.

I have the honor to call your attention to what seems to be a serious impediment to accurate calculations regarding the importation of American products. The article of commerce most in demand may have as many prices in this country as there are municipal governments. The following information, gleaned from Mr. Daniel, of Port Saint Mary's, gives the reason for this condition of affairs. The municipal tax denominated *consumo*, meaning dues on articles consumed, is a tariff levied on every thing sold in a town. The first step in levying this tax is taken by the mayor, who forwards to his provincial governor an enumeration of the inhabitants of his town as taken at the close of the fiscal year, June 30. The governor, with his comments, in his turn forwards it to the minister of finance, at Madrid, where the amount of consumption tax chargeable to the town in question is fixed. This is arrived at by calculations based upon the annual enumeration made by the mayor, taken together with the last general census and the comments of the provincial governor. The rates chargeable to the different articles of consumption are fixed there. After this is done the papers relating to it are sent to the governor, who in turn sends them to the mayor (*alcalde*). When this is received the mayor is duly authorized to collect the amount as fixed in Madrid. He at once calls a meeting at the town-hall of the commercial and trades-people and tells them what they have to provide during the year, and makes what is called a "*reparto*." After discussion as to which branch of trade should pay the most, various small committees are appointed that arrange matters among the trades-people and report to the mayor their conformity or con-

sent. This occurs every year, and the tax is liable to be, and frequently is, changed. For instance, if the mayor should require extra funds for any special purpose, he states his case (through the provincial governor) to Madrid, and asks authority to increase the tax by 10, 15, 20, or 50 per cent. on the articles most largely used. His request is seldom refused. After the rate is fixed the right and power to collect it is sold to the highest bidder. This sale generally brings the gross amount required by the mayor and the General Government. The person or company buying this right makes a handsome profit. Such a fluctuating method of taxation greatly hampers importation, for it is almost impossible to calculate from a basis that is not comparatively stable. It is quite impossible to calculate for each town, and each town may have a different basis. The mayor changes as the Government changes at the general elections, though sometimes he is elected by the town by special permission.

ROBERT W. TURNER,
Consul.

UNITED STATES CONSULATE,
Cadiz, September 12, 1889.

DEEP-WATER DOCKS AT CADIZ.

REPORT BY CONSUL TURNER.

I have the honor to inform the Department that on November 15 an English company will submit to the Spanish Government a proposition praying for authority to erect at this place deep-water docks of sufficient capacity to accommodate one hundred large ocean steamers. The capital stock is £1,000,000, and the parties interested are the Spanish Transatlantic Steamship Company, the Aridalusia Railroad Company, a few local capitalists, and the English Dock Company.

At present all large vessels discharge to small boats their cargo in the bay. This method is expensive and detrimental to commercial growth. The mails for the new world are all taken on at Lisbon, as well as much of the export business of Spain. It is the intention of the parties interested to change this condition of affairs. The railroad company is to run trains from Cadiz to London in fifty-two hours, and the steam-ship company is to send a vessel a week to South America and New York. All cargoes for the interior will be discharged at this place and forwarded by rail, and all goods for export, as well as all transatlantic passengers, will be taken on here. The company is organized and determined. The surveys have all been made, specifications, plans, and memorial prepared. The franchise to build and operate at Cadiz for ninety-nine years at fixed tariffs a system of deep-water docks, the plans of which are submitted, is what is prayed for.

The maximum tariffs for dock privileges, as fixed by the company, reduces the present cost of unloading ships 50 per cent., to say nothing of the delays

often caused by unfavorable winds. The proposition will be submitted at Madrid November 15, and I am told that it will take a year for all the legal formalities to be duly observed and authority obtained. The company binds itself to complete the work within two years from the date of authorization. This seems a long time, but I am told it is fast work for this country. An old gentleman informs me that for forty years the city has talked of tearing down a lot of old buildings close to the city gate and erecting a market-place. Yesterday the purchase papers to \$100,000 worth of this property were signed, and work on the new market will commence next week.

NEW SPANISH IRON-CLAD.

Yesterday a deputation started for Madrid. They go to receive authority to build in Cadiz, for the Spanish Government, an iron-clad man-of-war. It is confidently asserted that this authority will be granted, and that work on dry-docks for this purpose will be commenced in a few weeks. The cost of the vessel is to be 10,000,000 pesetas.

ROBERT W. TURNER,
Consul.

UNITED STATES CONSULATE,
Cadiz, September 14, 1889.

WINE PRODUCT OF ITALY FOR 1889.

REPORT BY CONSUL DILLER, OF FLORENCE.

As the subject of the wine industry of Italy is regarded with much interest by the wine-growers in the United States, I have the honor to report the estimated result of the vintage in Italy, promulgated officially by the minister of agriculture of the Kingdom of Italy in the beginning of the present month of October, 1889. The actual and detailed result has not as yet appeared in official form, but it is believed when published it will not materially change the figures as below stated.

The total wine crop of the Kingdom for the year 1889 is estimated at 22,200,000 hectoliters, or 580,463,400 gallons, the vintage for the preceding year of 1888 being 32,500,000 hectoliters, or 849,777,500 gallons, showing a decrease in the product of the present year of the large amount of 10,300,000 hectoliters, or 269,314,100 gallons. The general average for 1888 was 89, while this year the general average is only 61, the quality being four-fifths good and one-fifth medium to bad.

In this consular district, in the Emilia region, of which Bologna is the capital, the production is estimated at 1,613,000 hectoliters, or 42,175,111 gallons, the average being 63, and the quality one-half good and one-half medium, while in Tuscany, of which Florence is the capital, the production is estimated at 1,556,000 hectoliters, or 40,684,732 gallons, the average being only 51, and the quality one-half good, two-sixths medium and one-sixth bad.

The causes assigned for this great decrease in production this year are attributed generally to a cold and wet spring, to *peronosphora*, a disease attacking the leaves of the vine, and, later in the season, to the great dryness and heat of the summer. As far as I have been able to ascertain, no certain remedy has been discovered to prevent *peronosphora*, which is proving a serious obstacle to the wine-growing districts and interests of Italy.

ISAAC R. DILLER,

Consul.

UNITED STATES CONSULATE,

Florence, October 8, 1889.

TRADE OF SHEFFIELD.

REPORT BY CONSUL FOLSOM.

EXPORTS TO THE UNITED STATES.

The total value of exports from this consular district to the United States during the year ended September 30, 1889, amounted to \$2,964,488.41, a decrease as compared with the previous twelve months of \$357,098.03. This decrease is more than accounted for by the total absence of exports of steel rails and unmanufactured steel, the former showing a decrease of \$232,771.88 and the latter \$124,607.19. Exports of cutlery, on the other hand, show an increase of \$61,324.55.

From the year 1885 to 1887 there was an increase in the value of exports to the United States, and since which time there has been a gradual decrease, as may be seen from the following figures:

	Exports.
1885.....	\$2,186,745.21
1886.....	2,546,092.71
1887.....	4,120,579.95
1888.....	3,321,586.44
1889.....	2,964,488.41

PROSPEROUS CONDITION OF TRADE.

Notwithstanding the fact that Sheffield's trade with the United States has declined during the past year, it should be remarked that the trade of this district has greatly increased in all other markets, and business is in a more prosperous condition than it has been for a number of years. All the works here are overcrowded with orders, and prices for all materials and manufactures have improved. Less than eighteen months ago there were thousands of unemployed workmen walking about the streets, while now it is difficult for manufacturers to obtain a sufficient number of hands to fill their orders. Not only the British Government, but also the Spanish and Italian, have ordered large supplies of war material—armor-plates, projectiles, and guns—from Sheffield firms.

Prices for coal, coke, and iron have increased, and wages have advanced. This will no doubt detract somewhat from the immediate profits of the manu-

facturers whose contracts were entered into before the advance occurred in the prices of labor and materials. Still, it will not prevent them from realizing a fair degree of prosperity in the present calendar year.

A brief comparison of the relative prices of shares in the leading coal, iron, and manufacturing companies in this district, in the months of January and October, 1889, will furnish a fair idea of the improvement in local trade during the period mentioned:

Name.	Price—		Nominal value.	Paid up.
	January, 1889.	October, 1889.		
A. Knowles & Sons (limited).....	£3½	£13	£50	£31
H. Briggs & Son (limited).....	8	14½	15	12½
Chas. Cammell & Co. (limited).....	88½	107	100	80
John Brown & Co. (limited).....	55½	75	100	75
Newton Chambers & Co. (limited).....	11	18	20	20
Parkgate Steel and Iron Company.....	56½	68	100	65
Sheepbridge Coal and Iron Company (limited).....	10	22	25	25
Staveley Coal and Iron Company (limited).....	66	92	100	60
Tredegar Iron and Coal Company (limited).....	16	29½	50	36
Davy Bros. (limited).....	11½	19	50	22½
Hallamshire Steel and File Company.....	14½	15½	20	15
Sam'l Fox & Co. (limited).....	160	172½	100	80
Sanderson Bros. & Co. (limited).....	37	48	100	80
Vickers' Sons & Co. (limited).....	7	9½	10	10
Wm. Jessop & Sons (limited).....	25	31	50	30
Geo. Westenholm & Son (limited).....	39	43	25	20
Jos. Rodgers and Sons (limited).....	242	250	100	100

The following extract is taken from the financial columns of a London journal of current date:

Some idea of the enormous expansion of business in the coal and iron trades, to which we have frequently referred, may be gathered from the fact that the recent settlement on the Manchester Stock Exchange has been the largest known since the year 1881. This is entirely due to the immense amount of business that has taken place in coal and iron shares. The stocks of the principal companies have had in many instances an almost phenomenal rise, and shares which a few months ago were well-nigh unsalable are now eagerly purchased at a premium. The principal point of interest to the general public in all this is the fact that the coal and iron boom has only just commenced, and that much higher prices may be confidently anticipated before we enter on the new year.

BENJAMIN FOLSOM,
Consul.

UNITED STATES CONSULATE,
Sheffield, October 18, 1889.

Guatemala rubber.—Under date of October 11, 1889, Consul-General Hosmer reports that the export of rubber from the Republic of Guatemala to the United States during the year ended June 30, 1889, amounted to the sum of \$64,170.59, and the average price was 50 cents per pound. This quantity is likely to be increased in the future, owing to the stringent law

enacted, and being more strictly enforced by the Government for the protection of the rubber-tree from a bleeding process to which it had been subjected by careless natives, and the probability of planting on the part of intended colonists. Inasmuch, however, as from fifteen to twenty years are required to obtain a profitable result from planting the rubber-tree it would not hold out a favorable inducement to the agriculturalist, unless planted in connection with the banana-tree, the fruit of which could be disposed of on a paying basis until the rubber reached the point of profitable production.

COLONIZATION IN CUBA.

TRANSLATED BY CONSUL-GENERAL WILLIAMS, OF HAVANA.

[From the *Diario de la Marino* (Havana), October 20, 1889.]

The Gazette of Madrid of the 29th of last month, received to-day by way of Tampa and Key West, contains the following royal decree, issued through the ministry of the colonies, of which we had telegraphic advices, information of the same having also been communicated to the insular government, under date of the 23d ultimo, in response to the plans presented to the Supreme Government by General Salamanca.

MINISTRY OF THE COLONIES — EXPOSITION.

MAJESTY: The increase with which emigration from Spain has been going on for some time past has compelled the minister, who now has the honor to address Your Majesty, to meditate upon the means of diverting it to our own ultramarine provinces. If the melancholy fact exists of Spaniards being obliged to emigrate to other lands in search of employment, not to be found in their own country, then the Government of Your Majesty should see that they find employment within the colonies covered by the national flag. It is not at all proposed to promote emigration from the peninsula, but to divert the course of that now existing to the Spanish colonies. Means have been sought whereby Spanish working-men may find a more prosperous and happy fortune within the national realms than can be gained by their going to foreign countries, the purpose being to convert them into small proprietors, or cultivators of farms soon to be their own, within the national territory, rather than that they should become stipendiary laborers abroad. The governor-general of the island of Cuba has proposed the form for the realization of this design, and it has been at once accepted, because adjudged highly beneficial. Royal decree Your Majesty was pleased to authorize on the 3d of December, 1886, in relation to emigration to Cuba, being still in force, it has been believed sufficient to amend it so as to include families of emigrants, who will surely form more home-like attachment to the property confided to them than can be expected from separate individuals.

The minister herewith subscribing, intimately persuaded of the goodness of this measure, will not, however, propose that it be established upon a large scale at present, because of certain prudential reasons that perhaps might be considered excessive, but which certainly are not so when treating of the inversion of the resources of the nation in a new system, established with view of promoting the welfare of sundry families who go in search of new homes under the protection of the Government of Your Majesty. This experiment will be helped to a happy issue by the solicitous care of the governor-general of the island of Cuba, who has already contributed important services to its inception, and now only awaits the orders of Your Majesty to encharge himself with their execution.

And, finally, desiring always when possible to extend to the inhabitants of the ultramarine provinces the same benefits enjoyed by those of the peninsula, those of Porto Rico have been included within the terms of this recommendation.

Based upon the reasons herewith stated, the subscribing minister has the honor to submit the following project of a decree to the approbation of Your Majesty.

MADRID, *September 23, 1889.*

(Signed.)

MANUEL BECERRA.

ROYAL DECREE.

As proposed by the minister of the colonies, in name of my august son the King Don Alphonso XIII, and as Queen Regent of the Kingdom, I decree the following:

ARTICLE 1. With charge to the sum fixed by article 29 of the present budget of the island of Cuba, an expenditure of \$40,000 is authorized for the transportation and alimentation of two hundred and fifty Spanish families from the peninsula, its adjacent islands, and Porto Rico for their establishment as agricultural colonists in that island.

ART. 2. The colonists who, in virtue of this decree, may go to the island of Cuba will enjoy the advantages and rights granted to the soldiers who have served out their time in the army stationed there, in accordance with article 2 of the royal decree of the 27th of October, 1887.

Given under my hand at San Sebastian on the 23d of September, 1889.

(Signed,)

MARIA CRISTINA.

Minister of the Colonies:

MANUEL BECERRA.

MILITARY COLONIZATION.

[From the *Diario de la Marina* (Havana), October 25, 1889.]

The following communication, addressed by His Excellency the governor-general to the subinspectors of the army, commandants-general, and military governors of the several provinces of this island, has been published in the Public Gazette of this date:

SIR: Authorized by the Government of His Majesty for the creation of agricultural colonies in this island, with the view of benefiting the general interests, and those of the colonizing families in particular, my first care is that the privileges thereof be made extensive to all classes of soldiers who have honorably discharged the mission of having served in Cuba as the bulwark of the nation's defense. The solid reasons upon which I founded my proposition for the bringing of laborers, not as separate individuals, but in families, also embrace in a very special manner all those men who have served out their time of enlistment in the army here, and who, from the nature of their services, have been able to observe the fertility of the lands of this island and its abundant sources of wealth awaiting development at the hands of industry. They are specially included, because to promote the present and future welfare of the families of the defenders of the nation is but a just recompense and reward for the sacrifices the latter have suffered in its service in these distant climes. In this view, and as a sample of the esteem of which all are deserving who have shouldered the musket in defense of the nation, I have ordered that they be embraced in the plan of future colonization under the following conditions:

First. It shall be optional to all sergeants, corporals, and soldiers whose terms of service expire this year, especially sergeants with wives and children, not desiring to re-enlist, as well as with corporals and soldiers who, though not married, may have families which they may desire to have with them; but their petitions to the military governors must express the number of individuals composing the family, sex, age, and place of residence.

Second. This privilege, under like conditions, is also eligible to those who have served out their time in the army, and whose residence in the island does not exceed two years.

Third. The following are the privileges to be granted to the petitioners: 1 caballeria of land ($33\frac{1}{3}$ English acres), a hut upon the grounds, implements of cultivation, free passage for those of their families residing in the peninsula and the Balearic and Canary islands, and rations for six months' maintenance.

Fourth. Petitions can be made indiscriminately for lands set apart for colonies in either of the provinces of St. Iago, Puerto Principe, and Santa Clara.

Fifth. The caballeria of land ($33\frac{1}{3}$ acres) will be given to each colonist under the condition that it can not be sold nor mortgaged within the term of five years.

Be pleased to give the greatest publicity to this resolution with remission to me of all petitions of those who desire to take part in this scheme of colonization.

Published by order of His Excellency in the Public Gazette of Havana for the information of the public.

Havana, October 23, 1889, by order of the general of brigade, chief of staff:

(Signed,)

JOSÉ A. MORENO.

AMERICAN TRADE WITH BAHIA.

REPORT BY CONSUL BURKE.

I have the honor to transmit herewith, in Table No. 1, the declared value of the exports from this port and the agency at Aracaju to the United States for the fiscal year ended June 30, 1889. In Table No. 2, transmitted also, is a statement showing the number of vessels that arrived at and departed from this port, with crew and tonnage, for the year ended December 31, 1888. The figures in Table No. 2 are taken from the custom-house and supposed to be official.

1.—Statement showing the declared value of exports from the consular district of Bahia to the United States during the four quarters of the year ended June 30, 1889.

Articles.	Quarters ending—			
	September 30.		December 31.	
	Value.	Quantity.	Value.	Quantity.
		<i>Kilograms.</i>		<i>Kilograms.</i>
Carbon	\$6,860.33		\$3,046.13	
Cocoa	98,179.39	409,890	83,424.59	327,530
Coffee	14,069.51	70,911	73,455.77	273,645
Goat-skins			4,934.27	7,700
Hides	10,909.76	62,500	2,456.50	10,786
Rose-wood	26,869.78			
Rubber	11,550.23	14,760	5,976.84	9,622
Sand	770.15			
Sugar	332,651.46	7,301,175	139,102.09	2,834,757
Tobacco	163.50			

Articles.	Quarters ending—			
	March 31.		June 30.	
	Value.	Quantity.	Value.	Quantity.
		<i>Kilograms.</i>		<i>Kilograms.</i>
Balsam	\$772.47	711		
Carbon			\$13,003.24	
Cocoa	114,599.50	484,850	41,896.66	177,565
Goat-skins	29,628.98		32,953.95	35,010
Piassava	1,263.48	11,217	2,147.99	7,687
Rose-wood	17,264.88	228,106	12,066.46	259,609
Rubber	6,118.24	6,644	2,894.61	4,520
Sugar	468,057.84	9,949,474	507,050.47	9,589,734

Statement showing the declared value of exports from the Aracaju agency for the year ended June 30, 1889.

Articles.	Value.	Quantity.	Articles.	Value.	Quantity.
		<i>Kilograms.</i>			<i>Kilograms.</i>
Balsam.....	\$772.47		Piassava.....	\$3,411.47	18,904
Carbon.....	22,909.70		Rosewood.....	56,201.12	487,715
Cocoa.....	338,100.14	1,399,835	Rubber.....	26,539.92	35,546
Coffee.....	87,525.28	344,556	Sand.....	770.15	
Goat skins.....	67,517.20	42,710	Sugar.....	1,446,861.86	29,675,140
Hides.....	13,366.26	73,286	Tobacco.....	163.50	

2.—Statement showing the number of vessels arrived at and departed from this port, with equipage and tonnage, from January 1 to December 31, 1888.

STEAM-SHIPS.

Flag.	No.	Equipage.	Tonnage.
British.....	135	8,818	219,022
French.....	104	6,142	175,314
German.....	78	3,922	119,398
United States.....	28	1,865	56,216
Austrian.....	10	716	23,862
Belgian.....	6	300	10,810
Argentine.....	4	80	1,156
Italian.....	1	28	1,906
Total.....	366	21,871	607,684

SAILING VESSELS.

British.....	77	740	29,185
German.....	10	115	4,773
Norwegian.....	67	774	29,290
Russian.....	1	9	259
Swedish.....	5	46	2,028
Italian.....	4	46	2,059
Dutch.....	1	9	330
Portuguese.....	10	92	2,125
French.....	1	7	220
Danish.....	2	13	274
United States.....	3	27	1,353
Total.....	181	1,878	71,896

From Table No. 2 it may be seen there are recorded as having arrived at and departed from this port 107 more English than American steamers, 76 more French than American, and 50 more German than American. Of the sailing vessels nothing need be said, as steam is rapidly superseding them. They will undoubtedly disappear in the near future, as the business of the world to-day requires more rapid transit than craft of this kind can give. Besides, in such a port as Bahia there are many difficulties to be met with in discharging a general cargo from a sailing vessel, such as distance from the wharf and at times scarcity of lighters, on account of the work for the steamers. There may, too, be a lack of prompt attention on the part of the

consignee, because of his having a specified number of days to attend to it, in delaying the time of discharging until the number of lay days have actually expired before much work is done.

Comparing the number of our steam-ships coming to this country with those from the eastern side of the Atlantic, the old question again comes up, is such a condition of things as here represented, and actually existing, favorable or unfavorable to the commercial interests of the United States? That the trade of the United States with this country in the matter of larger American exportations hither is not what it should be is admitted on all sides. Is it due to the fact that we have not as large a commercial marine as England or France or Germany has that our trade with this country is held back? Does a smaller or larger merchant marine enter as a factor at all in building up, developing, and extending the trade of a country? If not, to what may the foreign trade of any country having a fairly successful foreign trade be attributed? If it be not the main cause, is it not one of the causes? I beg to say, as I view it, a well-constructed, efficient, and rapid transit American merchant marine, with a Government and a country and a people like ours, would be so great an aid to such an expansion of our home industries and such an extension of our trade with foreign countries as would both astonish and benefit us.

England has extended her trade by increasing her commercial marine. France has done the same thing; and but three or four days ago the agent of the principal German line told me, though there is, on an average, a weekly mail to Europe by the German steamers—the company he represents and the other two German lines—that his company is building more steamers for its South American trade.

According to the table, a little more than two and a half English steamers arrived at and departed from this port every week during the year 1888. Just two French steamers, on an average, arrived at and left this port every week during the year 1888; one German steamer, during the same year, arriving and leaving every five days, while, on an average, thirteen days elapsed during 1888 between the arrival and departure of an American steamer. From January 1 to September 1 of the present year but ten American steamers arrived at this port from New York, making an average of twenty-four days between each arrival. I am informed, however, that the United States and Brazilian Mail Steam-ship Company are building two or three more. I sincerely hope they are. With the right sort of commercial push trade would increase, and six American steamers, it seems to me, would find all they could attend to in the carrying business to and from this country.

More frequent and more rapid steam communication between our country and this would, it appears to me, be a great help to a greater development of our trade. I know of no reason why, with Southampton or Liverpool in latitude 52° or 53° north and New York 41° north, it should take a letter but seventeen or eighteen days from either of the former places to this port, while from New York it takes the letter from twenty-one to twenty-eight

days to reach this port. I have received letters at this port that came via Europe in twenty-six days after being stamped in the New York post-office.

The people of this country are very favorably disposed towards the United States, and would gladly do more business in the way of buying more of our goods, provided they knew us better and we knew them better. But how is one neighbor to know the needs and the wants of another, his whims or his fancies, his weak or his strong points, unless his acquaintance is made. From across the water comes the Frenchman, the German, the sharp-eyed Portuguese, and the pushing Englishman. The latter has his import and his export houses; he establishes banks in the country; he builds railroads and other public works; he lays sub-marine cables to Europe; he puts up telegraph lines; he builds steam-ships, and establishes steam-ship lines for the South American trade; in a word, he goes into business. Then others of his nationality come, and still others. The number is so large that a clergyman is wanted—he comes too. A British consul comes to the port, with a salary of \$4,000 to \$5,000.

A time comes when the Brazilian Government needs money to ward off an impending crisis, perhaps. Englishmen are on the spot. They see the condition of governmental affairs; they understand it, supply the money, and after a time the Brazilian Government is owing them several millions sterling.

All this time the brainy American merchant and manufacturer have been working to supply the wants of the people at home. The manufacturer, knowing just what is wanted, has no difficulty in supplying these wants. But at length he finds, on looking about him, that with his improved machinery, his steady application, his superior skill and pushing workmen, he is making goods faster than the people at home can use them up or wear them out. So, he says, I will manufacture for South America. On looking into the matter he finds some one from the other side of the water is there before him. In fact, has been there for some time, and has the trade and possesses the market. He finds, too, that he has no ships to carry his goods; he has no banks there; in fact, no interest whatever in the country with which he would like to do business. In fact, he finds that the ways of the people of the country are not his ways; that their wants are not the wants of his people, and he is puzzled and perplexed as to what he should do and how he should do it in order to place his goods upon this South American market. How can he secure a fair proportion of this trade, is the question. I hope it will be answered by the coming commercial congress.

In the meantime I will again state, for it can not be too often repeated in connection with this subject, that the needs, the wants, the tastes, and the fancy of these people must be studied, and goods manufactured for them accordingly. American sample houses in this country should then be established, and American banking houses to facilitate business, and fast moving steam-ships should be put on the line entering the chief ports of this country weekly, carrying the American flag.

If moneyed men do not think it will pay to establish a steam-ship line with at least weekly mail service, why should not Congress, for the sake of extending our trade in order to benefit the people of the United States, appropriate a certain sum per year to each steam-ship for carrying the mails, as is the rule in regard to European steam-ships. We are opposed to foreign contract labor in the case of individuals brought to the United States to engage in service, but we seem to think it the right thing to do to employ foreign steamers or sailing vessels to carry our merchandise and our produce to different parts of the world. The long and the short of it is, judging from present indications, if efforts are not made by the United States very soon to extend our trade to Brazil and the River Plate by establishing efficient steam-ship lines between New York and these countries, other countries will do it, and thereby reap a profitable harvest and bar us out of the trade more effectually than we are to-day.

BRAZILIAN MERCHANT STEAMERS.

In one of the journals of recent date I saw a notice of the incorporation of a steam-ship company at Rio de Janeiro, under the name of the Companhia Transatlantica Brazilera. The concessionaire is Baron de Jaceguay, a vice-admiral of the Brazilian navy.

The terms of the concession call for the construction of four steamers within a specified time. The steamers to be built, equipped, and fitted on the most modern plan. The sum proposed for present investment is 3,000,000 milreis, divided into shares of 200 milreis each, all of which are taken. The steamers will ply, as the name indicates, between this country and designated European ports. The president of the company is Antonio de Paula Mello Barretto.

DAVID N. BURKE.

Consul.

UNITED STATES CONSULATE,

Bahia, September 24, 1889.

MOVEMENT OF THE POPULATION OF FRANCE.

REPORT BY CONSUL EARLE, OF COGNAC.

The official journal publishes the following report made to the President of the Republic, on the movement of the population :

There have been registered, according to the books of the registrars, during the year 1888, 276,848 marriages, 4,708 divorces, 882,639 births, and 837,867 deaths. The growth of the population, in consequence of the excess of the births over the deaths, is 44,772. This growth of population was, in 1887, 56,535. It may thus be seen that the population of France, so far from tending to increase, is absolutely diminishing. It is quite the contrary in Germany and the other countries of Europe.

In 1888 there were celebrated 212 marriages less than in 1887, and 6,360 less than in 1886. The total to-day is 7.2 for each 1,000 inhabitants, instead of 7.5, the general average

for the past few years. It is estimated that there should be one marriage for each 139 inhabitants annually, or for each 42 adult unmarried persons of either sex.

There were registered for 1888, 4,708 divorces; that is 1,072 more than in 1887 and 1,758 more than in 1886. Since the law of 1884 establishing divorce went into effect 17,228 divorces have been registered. The number of births was, in 1888, only 882,639—a diminution as compared with 1887 of 16,794. Never, except in 1871, was there so low a birth rate, and the existing diminution shows no sign of abatement. In 1884 there were counted 937,758 births, and in 1888 only 882,639.

There is no diminution, however, on the part of natural births as compared with all births. They increase. The proportion of natural births was, in 1888, 7.5 per cent.; in 1885, 8 per cent., and has reached to-day 8.5 per cent. It is far, however, from being the same in the different regions of France. There were counted 25 per cent. in the Department of the Seine (Paris), 10 to 13 per cent. in the region of the north, and from 2 to 5 per cent. in the province of Bretagne.

In 1888 the number of deaths fell to 837,867—that is an average of 21.9 per 1,000—a figure moderate enough. In 44 departments there was an excess of births over deaths, and in 43 an excess of deaths over births. There were registered in France during the year 1888 3,069 marriages among foreigners of all nationalities, 3,403 between foreigners and Frenchmen, and 4,840 between foreigners and Frenchwomen. Births among foreigners in France amount to 29,105, that is, 3.3 per cent of the total births. Of these 11,754 were Belgians and 9,757 Italians. Finally, 17,971 foreigners died in France. The Italian colony is most prolific in births, etc.

EDWARD P. EARLE,

Consul.

UNITED STATES CONSULATE,

Cognac, September 1, 1889.

MINERAL PRODUCTS OF NEW SOUTH WALES.

TRANSMITTED BY COMMERCIAL AGENT DAWSON, OF NEWCASTLE.

[From the Sydney Telegraph.]

The value of the mineral products of New South Wales for 1888 was £3,879,833, showing an increase of £713,895 upon the value in the previous year. The increase is principally due to the output of silver and silver-lead, the value of which is nearly double that of 1887. The output of gold was the smallest for many years, the cause of this being, doubtless, the scarcity of water. In the output of many other minerals there was a decrease. The output in 1888 of fine silver and of silver-lead ore was valued at £1,142,405, while during that year the value of gold was only £317,100. Notwithstanding, or perhaps by reason of, the drought that had the effect of diminishing the water for gold-washing purposes, the number of men engaged in gold mining during the year was 8,460, being 2,400 more than in 1887, of whom 7,897 were Europeans and the remainder Chinese. Dividing the quantity of gold got by the number of miners, an average is shown of about 10 ounces, valued at about £37 8s.—not a very cheerful account by any means for a year's work.

Turning to the head of coal we find that the output for 1888 shows an increase of 280,947 tons over that of the previous year. The export to colonial ports showed a decrease of 37,506 tons, but this is more than balanced by a foreign export exceeding that of 1887 by 170,936 tons. Home consumption showed an increase of 147,517 tons upon the previous year. The average price of coal in the home market was lower during last year than in 1887, but it is believed that this arose from the recent strike in this district, which sent a considerable amount of trade to the southern and western collieries. The output of coal has more than doubled during the last ten years. The quantity of coke sent from Newcastle during last year was

14,618 tons, valued at over £23,020, the bulk of it going to South Australia and Victoria. The influence of the recent strike in the northern district is plainly visible in the comparative statement of the output from the several districts. In 1887 the total output from the northern district was 2,243,792 tons, valued at £1,096,720; in 1888 it was 2,067,043 tons, valued at £1,022,022; showing a decrease of 176,749 tons, and in value of £74,679. The output from the southern collieries showed an increase of 420,238 tons, and in value of £167,355; and of the western collieries, 37,457 tons, with an increase of value of £16,100. On this subject we quote the following from the report:

"The above figures indicate pretty clearly the effect of the recent strike upon the northern collieries. If the collieries in the south and west had reaped the whole of the benefit, the colony as a whole might have had no cause to complain; but the customs returns justify the belief that the stoppage of our northern mines has led to the development in other colonies of their coal resources, which will permanently deprive us of some of our best customers. It is true our aggregate output shows a large increase, but it is almost certain that but for the closing of many of our most important mines it might have been much larger."

This may all be very true, and it is hoped that in the future such good counsels will prevail among colliery proprietors as well as miners as will have the effect of building up the very important coal traffic of the northern district.

During 1888 Victoria was the best customer of the northern district, the amount exported being 666,947 tons; the United States came next for 314,593 tons, New Zealand for 138,007 tons, and Chili for 100,631 tons. The number of persons employed in and about the northern mines during last year is set down at 6,873, while those employed under-ground numbered 5,736. There were thirty-two non-fatal accidents during the year in the northern district, being one to every 214 persons employed; and nine fatal accidents, being one to every 763 persons employed. In respect of accidents in the northern district, the account for 1889 will be much heavier than in the previous year. Let us hope that the bill for the regulation of coal mining, which has been read a second time, and taken into committee *pro forma*, will soon be passed, and have the effect of reducing to a minimum these sad maimings and fatalities, which form the grim skeleton in the miner's house.

COAL AND IRON TRADE IN GERMANY.

REPORT BY CONSUL WAMER, OF COLOGNE.

There is at present much earnest discussion in some of the leading journals in this part of Germany on the considerable rise in the prices of coke and coal that has taken place since the great strike in the coal districts of last spring, and serious fears are entertained that this sudden and continued driving up of the prices of an article like coal, which are said to be already far in excess of the increase in the wages granted to the coal miners in consequence of the strike, might operate very materially to the disadvantage of the trade of Germany, especially its foreign trade, and timely warning is thrown out on all sides to this effect.

According to a report, which seems to be based upon truth, the minister for public works, in view of this upward movement in the price of coal, has instructed the managers of the mines belonging to the State not to take advantage of the present opportunity by raising their prices in excess of the increase which has necessarily taken place in the cost of production, but to observe a sufficient restraint, and to hold themselves far from any excessive gains offered by this temporarily favorable condition, even at the risk of the

demand increasing disproportionately to the working capacity of the mines. This ministerial order is viewed as a valuable warning to the private mines, and it is hoped that it will be accepted in good faith. Further, the State holds a right on all mines discovered within its territory, and before they can be worked by private persons permission must first be obtained from the State. Hence, every mine is burdened with a special tax by the State. Frequent attempts have formerly been made on the part of the private miners to get this tax repealed on the plea of the average low price of coal at the time, and its removal was lately favorably viewed by the minister. But, in view of the present good stand that the coal trade has assumed, it is doubtful now whether the request will be granted.

Contracts for next year's supply in coal are already being made with the dealers, and prices have already advanced about 100 per cent. The stock of nearly all the leading companies has considerably risen, ranging from 25 to 30 per cent.

As a consequence of the increase in the price of coke and coal, the price of steel and iron has likewise been put up, and contracts have already been taken at advanced prices for the balance of the year.

This advance in the price, not only of coal, but of iron and steel, is seriously looked upon by many lest it might enable foreign countries to compete with Germany in its own markets and, besides, cripple Germany's export trade in iron.

Viewing the situation in general, the experiences of the wild speculative years of 1872-'73 in Germany have given rise to a feeling of anxiety among many for fear that this movement in the prices might lead to the same startling results, while, on the other hand, many seem to think that, after the long depression in the coal trade, it is time they should realize good profits.

WM. D. WAMER,
Consul.

UNITED STATES CONSULATE,
Cologne, October 3, 1889.

GOVERNMENT SALE OF ARGENTINE LAND.

REPORT BY CONSUL BAKER, OF BUENOS AYRES.

Whilst the money market here in Buenos Ayres, since the suspension of specie payments three years ago, has been easy enough, and for the purposes of speculation paper discounts could be made in the banks, or property pledged to the mortgage institutions, on almost any terms, thus causing a "boom," or at least an inflation in prices, which has been rapidly increasing with the increasing premium on gold, the Government has lately been aroused to the fact that the country has been drained of its gold to pay balances of trade or accumulating interest on foreign bonds, until the demand for foreign exchange at last exceeds the supply.

On this account there is a very decided squeeze, not only in financial but commercial circles. Gold, which four or five months ago was quoted on 'change at 57 per cent. premium, now commands over 100 per cent. premium—a rate which leaves the Argentine national bank-note worth only about 50 cents to the dollar, and which, with the uncertainty which overhangs the situation, makes it almost impossible for merchants to do a safe business. In this emergency the Government has just proposed a method by which it hopes to increase the gold reserve. It is to make sale in Europe of no less than 24,000 square leagues of land, situated in the recently organized territories, at a minimum of \$2 gold per hectare, or about \$1.25 per acre. The project, which, of course, will receive the approval of the Argentine Congress, has such importance, not only in a financial, but a political point of view, that I give a translation of the decree ordering the sale in full below:

DEPARTMENT OF THE INTERIOR,

September 21, 1889.

Considering: That, the various governments into which the national territories are divided having been established, it is convenient for the Republic to adopt measures for colonizing their lands, or at least a part thereof;

That from the reports made to the Government it results that the nation can dispose of more than 50,000 square leagues of land;

That article 64 of the law of October 10, 1876, provides that the executive shall order the exploration of the national territories, and the measurement and subdivision of those which are most suited for colonization;

That it is the duty of the Government to promote immigration to the Republic, in accordance with the law of colonization, upon the basis of the acquisition of public land by the persons who will occupy and cultivate it;

That article 85 of the said law fixes the prices of two hard dollars per hectare for the land sold, a price which may serve as the basis for sales by tender of public land situated in the various governments, for the purposes of colonization;

That the sale of a considerable area of public land for colonization ought to be made in the great European commercial centers, where the same can be negotiated easily and conveniently as regards the purchase money and fulfillment of the condition of populating the lands;

That this measure will not prevent the Government from continuing to establish colonies, as it has hitherto done, on other public lands;

That the sale of 24,000 square kilometric leagues, which the Government proposes to realize on in Europe, would produce at least \$120,000,000 gold, at the upset price of two hard dollars per hectare;

That besides the benefit which may be obtained from a prudent application of such an extraordinary amount of money, which the Government will retain for great national objects, the condition of colonization imposed on the purchasers of the land may be computed at one hundred families of five persons each for every concession of 16 leagues, which is fixed by article 98 of the said law, and thus a population of at least 700,000 persons will be incorporated into the Republic as land-owners, who will assist in increasing the production and wealth of the country;

That, moreover, the important colonization societies which will be formed in Europe will be powerful elements for the extension of our commercial relations, by creating great interests which will be morally and materially bound to the Republic and will participate in the benefits to be derived from its vast progress;

That the numerous applications which the Government receives from Europe for the purchase of land for colonization and the other information which it possesses in relation to the

matter insure the successful result of the execution of the present decree; for the reasons before mentioned the President of the Republic decrees:

ARTICLE 1. In accordance with the law of October 10, 1876, 24,000 kilometric square leagues of land are hereby appropriated for colonization, to be sold in Europe, by tender, at the upset price of \$2 gold per hectare. The lands which are to be sold shall be of the following governments of national territories: In Formosa, 2,000 leagues; Chaco, 2,500; Central Pampa, 2,000; Rio Negro, 5,000; Chubut, 6,000; Santa Cruz, 6,000; Tierra del Fuego, 500; total, 24,000.

ART. 2. The said lands are intended to be colonized as follows: By English families, 8,000 leagues; Italian, 8,000; Spanish, 4,000; French, 2,000; Swiss, 1,000; and Belgian, 1,000.

ART. 3. Offices dependent on the department of lands and colonies shall be established in London, Paris, Barcelona, Genoa, Basle, Brussels, and in such other cities in Europe as shall be thought necessary.

ART. 4. Advertisements asking for tenders and giving full particulars of the lands shall be published for sixty days in the principal European newspapers.

ART. 5. The offices mentioned in article 3 shall be provided with plans of the lands and reports thereon to enable them to give the fullest information possible respecting the lands.

ART. 6. The tenders presented must be for at least one concession of 16 kilometric leagues, and the applicants must belong to the nationality specified for colonization purposes.

ART. 7. The tenders shall be opened in public in each office in the presence of the chief of the office and of the Argentine consul-general or consul of the jurisdiction.

ART. 8. The central committee of lands and colonies shall propose to the Government the necessary measures for the measurement and division into sections of the lands which are to be sold and on which the said operations have not yet been effected.

ART. 9. The said committee shall also prepare for the approval of the executive the instructions to be sent to the agents for the sale in Europe.

ART. 10. The agents shall send to the central committee, to be forwarded to the minister of the interior, the proposals received for purchases and colonization of lands, with reports thereon.

ART. 11. Among other instructions to the agents, the central committee shall direct that the colonists of the lands in each national territory offered for sale shall be of at least three nationalities.

ART. 12. The \$120,000,000 gold, which will be the minimum proceeds of the sale of these public lands, and any excess shall be deposited in the mint for the conversion of bank-notes.

ART. 13. Let this be communicated to Congress during the present sessions.

ART. 14. Let the foreign secretary communicate this to the information offices and consulates of the Republic in Europe to be made public.

ART. 15. Let this be communicated to the office of lands and colonies, let it be published, etc.

JUAREZ CELMAN,

President.

N. QUIRNO COSTA,

Minister of the Interior.

It will be observed that the lands are to be disposed of by tender at the upset price of \$2 gold per hectare after six weeks' advertisement, in Europe, and the awards are to be made at the different centers of population in Europe; that no tenders are to be received for less than 16 leagues; that the lands in each territory are to be colonized by at least three different nationalities; and that the proceeds of the sales are to be deposited in the Argentine mint for the conversion of Argentine national bank-notes. The comments of the press in regard to the measure are not wholly favorable, though

the papers generally seem to regard it hopefully. The Buenos Ayres Herald, an independent newspaper, doubts, however, if it will be able to meet fully the financial embarrassments of the country. It says:

We are not sanguine about the success of the gigantic operation which has been announced. Certainly a long period will elapse before any large area of the land can be sold. European capitalists are not usually eager to "buy a pig in a poke," and sixty days is much too short a period for forming syndicates to speculate in the land and for enabling them to satisfy themselves as to its value. Moreover, the more they investigate the less eager are they likely to be to purchase.

Terra del Fuego may be left out of the question altogether; Santa Cruz is not much more attractive; Chubut, according to Governor Fontana's reports, contains some fine land, but it is difficult to get at it; the same may be said of the Chaco, which, besides, is not yet cleared of Indians; Formosa is, we believe, mostly a swamp. Again, as regards all the territories, the best lands have already been disposed of to friends of the Government.

However, if the lands were divided into small farms and were offered for sale direct to colonists, whether natives or foreigners, at \$2 per hectare, we could not but applaud the measure; but this new scheme is merely a continuance of the old policy of selling the national lands in large areas to speculators, who either make no attempt to fulfill their undertaking to colonize, or who sell the land at such exorbitant prices that the colonist is unable to obtain a fair remuneration for the risk, labor, and expense incurred in bringing the land into cultivation. It is good to sell the land, but if the minister of finance is really desirous of speedily creating the "guaranty and conversion fund," he would act more wisely in selling the national bank shares and railway shares held by the Government.

The Buenos Ayres Standard, however, which is the representative organ of the British community, is most enthusiastic in its approval of the scheme, calls it "a great decree," and says it is "a solution of the crisis." I quote from its article:

It is the most momentous decree any Argentine President or minister ever framed. History repeats itself on a grand scale in this instance. The proposal, rather the decree, takes us back to the Rio Negro land business, which proved the corner-stone of the immense prosperity that followed the opening up of virgin territories. May be we are now on the eve of another such reaction, and, if so, the President of the Republic and his minister of foreign affairs may lay claim to having opened up horizons so vast, potentialities so great, in the shape of a great human current and the colonization of a fair-sized empire, so to say, that one pauses at the possible, nay probable, results of such a policy. The Government deserves warm support for its move in this direction. It has 50,000 square leagues of fiscal lands; half this area is thrown on the market at an inviting price, and Europe will avail of the opportunity to buy up every square yard offered. The success of this mammoth land sale will lift us out of all our monetary difficulties, and may throw millions of men on the virgin plains of the Chaco and Pampa, on the smiling banks of the Rio Negro and Paraguay, and on the rugged, weather-beaten coasts of the South Atlantic.

It remains to be seen how the decree will be received by the moneyed men of Europe, since, of course, it is only intended for them, the quantity of land which the decree fixes as the minimum of each tender making it impossible for those of moderate means to purchase. It is not improbable, however, that those who are in quest of Argentine lands will be attracted by the terms, each one having thus an opportunity, for a mere nominal price, of purchasing lands enough for a principality, though it is provided that the lands must be utilized for "colonization" purposes.

The decree, although it was issued only two days ago, seems to have had a good effect upon the financial situation, and the gold premium has already considerably weakened in consequence of the proposal of the Government. If it shall be successful it will subserve two great purposes, one to place a large sum of money at the disposal of the Government for the conversion of the excessive paper currency, and the other to open up and populate the waste places of the Republic.

E. L. BAKER,
Consul.

UNITED STATES CONSULATE,
Buenos Ayres, September 24, 1889.

EXPORT TRADE OF COLOMBIA.

REPORT BY MINISTER ABBOTT, OF BOGOTA.

I transmit herewith the following statistics of the export trade of Colombia for the year ending December 31, 1888: (1) table showing destination of exports; (2) table showing weights and values of exports; (3) table showing exports to the United States. These statistics are not absolutely correct, but are the best obtainable. They have never been published.

I have personally examined, by the kindness of this Government, all the monthly manuscript returns from the several custom-houses, and have embodied the results in these tables. From the custom-house of Ipeales there are no returns of destinations, and from that of Cucuta are received the totals only. Colon and Panama, being free ports, are treated as if in a foreign country. Consequently no exports from these ports are given, while exports from the other Colombian ports to the Isthmus are included.

It will be seen that the total exports amounted to \$15,501,990; deducting exports to Panama, \$1,979,168, and we have the net export, \$13,522,822. It must be remembered, however, that these are not all estimated in gold dollars, and herein lies the difficulty in making comparisons between the exports and imports. Gold is estimated in gold coin, silver in silver coin, worth at present $83\frac{1}{3}$ per cent. in gold; two-thirds of the exports of Cucuta are in silver coin, the balance of the exports in Colombian pesos worth, say, 50 per cent. of gold,* although the exchange in 1888 fluctuated between 90 and 140 per cent. The value of the exports, then, reduced to a gold basis, would be more or less as follows:

Gold (\$3,053,598 at 100 per cent.).....	\$3,053,598
Silver (\$1,207,275 at $83\frac{1}{3}$ per cent.)	1,006,062
Two-thirds exports of Cucuta (\$975,678.63 $\frac{2}{3}$ at $83\frac{1}{3}$ per cent.).....	813,066
Balance exports (\$8,286,270 $\frac{1}{3}$ at 50 per cent.).....	4,143,135
Total (gold basis).....	9,015,861

* The silver peso was valued by the United States Treasury on January 1, 1889, at 68 cents.

It will, of course, be understood that this calculation is only an approximation. The problem is too intricate to solve definitely, especially in view of the unsatisfactory data at hand.

Imports are estimated in gold. It is probable that the balance of trade was a little against Colombia in 1888, but I can not say with certainty before an examination of the custom-house returns. This examination, which will probably require from six to eight weeks of labor, I propose to make as soon as possible, and report the result to the Department.

The principal articles of export are cattle, cacao, coffee, dye-woods, gold, silver, hides, ivory-nuts, rubber, tobacco, and woods. The cattle go to the Isthmus, so they should not really be classed as exports. Nearly all the hides and by far the greater part of the coffee, rubber, and construction woods go to the United States, the gold, silver and dye-woods to England, and the tobacco and ivory-nuts to Germany. I also send a table (No. 4) of imports and exports between 1871 and 1887, inclusive. It will be impossible to make true comparisons between the exports and imports. The exchange has been steadily rising for years, and reached its maximum in 1888, when it touched 140 per cent. It soon fell to 100 per cent., at or near which it has since remained. This rise in the price of exchange has gone on in spite of the fact that the balance of trade has apparently been in favor of Colombia. I incline to the opinion that in fact the balance of trade has not been in favor of, but against, this country. If all the exports could be reduced to a gold basis, a decided diminution of their value would result, at least so far as relates to the last twelve years. Again, it has been said that Colombian export invoicers are overvaluing their exports. Whatever may be the explanation, the fact remains that, notwithstanding an apparent large balance of trade in favor of Colombia, metallic currency has disappeared, and the price of exchange has steadily risen and has not lost its upward tendency.

I also forward Table 5, showing the destination of exports for 1887, and Table 6, showing the number and tonnage of ships entered at and cleared from the various Colombian ports in the year 1887.

1.—Exports of Colombia by countries during the year 1888.

Whither exported.	Quantity.	Value.	Whither exported.	Quantity.	Value.
	<i>Kilograms.</i>			<i>Kilograms.</i>	
United States.....	12,470,534	\$4,751,985	Belgium	7,270	\$9,036
England.....	7,912,439	4,109,843	Italy	15,580	7,865
Colon and Panama.....	9,171,534	1,979,168	Spain.....	4,256	5,662
Germany.....	10,301,120	1,532,305	Ecuador.....	23,590	2,100
France.....	3,668,804	1,150,858	Exports from the custom-		
Antilles.....	546,170	213,200	houses of Ipeales and		
Costa Rica.....	450,614	79,103	Cucuta, destination un-		
Venezuela.....	138,464	54,545	known	5,454,562	1,539,249
Mexico.....	78,191	45,080	Total.....	50,521,521	15,501,990
Peru.....	278,393	21,991			

2.—Exports from Colombia, by articles, during the year 1888.

Articles.	Quantity.	Value.	Articles.	Quantity.	Value.
	<i>Kilograms.</i>			<i>Kilograms.</i>	
Algarrobo.....	2,720	\$660	Hats.....	7,602	\$83,619
Aloes.....	80	50	Hay.....	400	40
Amber.....	140	400	Hens.....	40,002	24,300
Animals (various).....	210	280	Hides.....	3,746,741	1,558,602
Anise-seed.....	20	400	Hogs.....	96,080	30,777
Annotto.....	218	70	Horns.....	16,260	4,190
Asses.....	2,320	680	Horse-hair.....	4,519	2,642
Axes.....	360	216	Horses.....	1,550	1,100
Balsams.....	36,163	45,059	Indigo.....	998	1,400
Bamboo.....	1,181	240	Ipecacuanha.....	610	1,040
Bananas.....	11,122	2,013	Iron.....	11,300	450
Bank-bills.....	(*)	50,258	Ivory-nuts.....	7,098,283	598,140
Bark.....	160	90	Jewelry.....	(*)	1,408
Beams.....	952,830	28,743	Lard.....	6,174	404
Beans.....	11,972	1,865	Leather.....	63	18
Beeves.....	4,579,754	501,447	Lime.....	1,475	52
Bells.....	160	48	Liquors.....	28,669	9,959
Bird skins.....	45,851	39,522	Macaws.....	4	2
Bones.....	82,500	1,355	Machinery.....	(*)	2,400
Books.....	360	300	Manufactures.....	7,870	3,999
Brazil-wood.....	103,236	4,360	Mats.....	3,454	2,418
Cacao.....	793,394	409,205	Medicines.....	266	215
Canoes.....	10,800	1,800	Melons.....	530	61
Carbolic acid.....	30	80	Milk (condensed).....	200	200
Cassava.....	3,140	928	Minerals.....	495,308	224,751
Cedar.....	287,200	12,250	Molasses.....	380	40
Cheese.....	13,814	1,673	Monkeys.....	96	85
Chocolate.....	100	95	Mora-wood.....	4,011,286	106,225
Cinnamon.....	250	80	Mules.....	(*)	3,800
Cigarettes.....	106	180	Oil.....	575	428
Cigars.....	9,544	16,194	Organs.....	50	100
Clothing.....	213	3,100	Parrots.....	69	178
Cochineal.....	2	5	Pictures.....	96	885
Cocoa-nuts.....	1,023,665	68,207	Plants.....	101,768	186,541
Coffee.....	8,100,496	3,776,793	Precious metals.....	(*)	783,215
Copper.....	745	449	Precious stones.....	(*)	600
Corn.....	38,299	3,180	Provisions.....	47,472	10,316
Corozo-seed.....	2,500	220	Quinine bark.....	238,548	137,046
Cotton.....	454,600	74,020	Resin.....	470	730
Cotton-seed.....	362,700	6,231	Rice.....	19,720	2,173
Demijohns.....	345	115	Roots.....	60	25
Dividivi.....	3,311,696	166,929	Rubber.....	551,886	522,004
Doves.....	192	94	Salt meat.....	5,485	1,435
Ducks.....	14	7	Samples.....	1,040	765
Earthen-ware.....	210	45	Sandals.....	500	500
Eggs.....	18,736	12,308	Sarsaparilla.....	3,420	19,400
Emeralds.....	(*)	300	Sheep.....	568	177
Fish.....	4,990	368	Shrimps.....	250	60
Fruits.....	104,137	16,349	Silver:		
Furniture.....	2,277	3,500	Bullion.....	(*)	154,907
Goats.....	7,951	1,303	Coin.....	(*)	1,052,368
Gold:			Skins.....	36,971	9,067
Bullion.....	(*)	1,063,119	Sleepers (railroad).....	2,189,190	59,342
Coin.....	(*)	46,407	Spices.....	5	100
Dust.....	(*)	421,408	Starch.....	79,351	9,262
Gold and silver bullion.....	(*)	337,160	Sugar.....	330,878	32,468
Gold, silver, and platinum.....	(*)	110,694	Sugar-cane.....	13,940	5,800
Gold and silver coin.....	(*)	290,895	Sundries.....	93,250	37,635
Hammocks.....	60	20	Sweetmeats.....	1,905	935

* Unknown.

2.—Exports from Colombia, by articles, during the year 1888—Continued.

Articles.	Quantity.	Value.	Articles.	Quantity.	Value.
	<i>Kilograms.</i>			<i>Kilograms.</i>	
Tobacco.....	2,265,692	\$650,669	Wax.....	404	\$268
Tomatoes.....	60	12	Woods (various).....	1,933,185	58,664
Tortoises.....	1,820	410	Wool.....	120	12
Tortoise-shell.....	905	4,215	Yams.....	1,385,255	105,863
Totumas.....	240	59	Total.....	45,476,156	14,038,472
Trunks.....	880	234	Exports from the custom- house of Cucuta, details unknown.....	5,045,365	1,463,518
Turkeys.....	1,350	570	Total exports.....	50,521,521	15,501,990
Vanilla beans.....	50	100			
Vermicelli.....	5,045	2,690			
Watches.....	(*)	140			

* Unknown.

3.—Exports from Colombia to the United States during the year 1888.

Articles.	Quantity.	Value.	Articles.	Quantity.	Value.
	<i>Kilograms.</i>			<i>Kilograms.</i>	
Aloes.....	80	\$50	Ivory-nuts.....	102,680	\$10,143
Annotto.....	50	20	Macaws.....	4	2
Axes.....	360	216	Machinery.....	(*)	2,400
Balsams.....	25,023	35,463	Milk (condensed).....	200	200
Bamboo.....	1,181	240	Minerals.....	24,893	6,126
Bananas.....	120	74	Monkeys.....	28	42
Bank-bills.....	(*)	710	Mora-wood.....	238,093	6,973
Bark.....	60	70	Oil.....	355	370
Bird skins.....	30	60	Parrots.....	40	162
Bones.....	25,000	625	Plants.....	8,820	22,350
Brazil-wood.....	560	15	Quinine bark.....	101,442	65,646
Cacao.....	348,879	164,907	Resin.....	50	50
Carbolic acid.....	30	80	Rubber.....	384,904	331,136
Cedar.....	486,000	12,150	Sarsaparilla.....	1,200	1,180
Cigars.....	315	315	Silver.....	(*)	15,669
Cocoa-nuts.....	988,338	62,736	Skins.....	36,577	8,992
Coffee.....	5,368,998	2,373,939	Sundries.....	18,461	5,817
Copper.....	260	98	Sweetmeats.....	50	25
Dividivi.....	51,200	3,268	Tobacco.....	10,843	4,014
Earthen-ware.....	10	20	Tortoise-shells.....	4	30
Furniture.....	120	80	Vanilla beans.....	50	100
Gold.....	(*)	161,957	Wax.....	128	140
Hides.....	3,622,281	1,436,617	Woods.....	614,000	14,050
Horns.....	6,280	1,020	Total.....	12,470,534	4,751,985
Horse-hair.....	3,137	1,638			

* Unknown.

4.—Exports and imports of Colombia from 1871 to 1887, inclusive.

[The years, up to 1886, ended on August 31; thereafter on December 31.]

Years.	Imports.	Exports.	Years.	Imports.	Exports.
1871.....	\$5,862,711	\$8,247,817	1880.....	\$10,387,003	\$13,804,981
1872.....	8,045,982	8,253,806	1881.....	12,071,480	15,836,943
1873.....	12,515,638	10,477,631	1882.....	12,355,555	18,514,116
1874.....	11,165,691	10,487,282	1883.....	11,504,028	14,857,170
1875.....	6,949,028	9,984,386	1884.....	9,926,486	13,501,178
1876.....	7,328,928	14,477,897	1885.....	2,440,559	2,661,994
1877.....	6,709,109	10,049,071	1886 (first 8 months).....	6,879,541	14,171,241
1878.....	8,708,797	11,111,196	1886 (last 4 months).....	2,939,993	4,382,457
1879.....	10,787,654	13,711,511	1887.....	8,714,143	13,807,406

5.—Exports, by countries, from Colombia, during the year 1887.

Whither exported.	Quantity.	Value.	Whither exported.	Quantity.	Value.
	<i>Kilograms.</i>			<i>Kilograms.</i>	
United States.....	11,954,645	\$3,020,716	Belgium.....	24,870	\$680
England.....	5,461,942	3,456,608	Italy.....	254,418	6,115
Colon and Panama.....	9,420,149	1,769,253	Ecuador.....	68,317	10,334
Germany.....	7,064,942	1,311,436	Chili.....	63	100
France.....	2,248,200	1,073,096	Central America.....	1,239	396
Antilles.....	620,089	184,622	Exports from Cucuta and		
Costa Rica.....	42,040	8,465	Ipeales (no details).....	10,172,672	2,932,213
Venezuela.....	10,681	11,135	Total.....	47,539,263	13,807,406
Mexico.....	96,103	4,444			
Peru.....	118,893	17,723			

6.—Statement showing number and tonnage of ships entered and cleared from Colombian ports during the year 1887.

Ports.	Entered.				Cleared.			
	Sailing vessels.		Steamers.		Sailing vessels.		Steamers.	
	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.
Barranquilla.....	14	2,901	211	353,936	9	1,283	212	354,756
Buenaventura.....	20	2,640	53	47,457	19	2,064	52	46,318
Cartagena.....	63	6,944	200	230,555	63	6,944	200	230,555
Cucuta.....	137	3,927			130	3,815		
Rio Hacha.....	88	7,117			88	6,787		
Santa Marta.....	46	4,030	23	30,300	49	4,097	23	30,300
Tumaco.....	43	3,275	60	41,254	35	2,608	62	41,334
Total.....	411	30,834	547	703,502	393	27,598	549	703,263

JOHN T. ABBOTT,
Minister.

UNITED STATES LEGATION,
Bogota, September 23, 1889.

COMMERCIAL RELATIONS BETWEEN MARTINIQUE AND THE UNITED STATES.

REPORT PREPARED BY MR. J. BORDÉ, PRESIDENT OF THE CHAMBER OF COMMERCE OF ST. PIERRE, IN RESPONSE TO A REQUEST OF CONSUL GARESCHÉ.

The commercial relations existing between the United States and Martinique date far back, and the enlargement or diminution of the same lies to a great extent in the laws and decisions that may be issued by the Home Government. These relations are based principally on the exchanges made between your great Republic and our island, which exchanges now largely favor the American trade, since the United States import annually very large amounts to this island, while our exportations to the States are very limited at present.

The United States furnishes us, by way of New York and other ports, horses for saddle and carriage use, lumber, staves, and shingles, sugar and rum, shooks and heads, plows and some other agricultural implements, leaf tobacco, mules of all work, riggings, cod and other salt fish, smoked and salt meats, lard, butter, tallow, ice, furniture, chairs, arm-chairs, fuel, minerals, petroleum, provisions, flour, and corn meal.

In former times we shipped in exchange to the United States nearly all of our molasses, which caused a large number of vessels bearing the Union flag to anchor in our waters. But since the erection of our numerous usines, or sugar manufactories, and the extensive impulse given to the distilling of rum and tafia, this mode of exchange has ceased. For nearly ten years, in fact, we have been importing, and not exporting, molasses. Furthermore, at about the same period, and with the sanction of the law, we have exported raw sugars in lieu of molasses. The greater portion of this staple was, indeed, shipped to the United States, and the American marine was almost always assured of finding, to its advantage, a home freight in our ports.

In these days all has changed. The last law created and voted by the Home Government, that of July, 1887, has imposed upon the producers and manufacturers of the French colonies the obligation of reserving this staple for the French markets only. Failing this, the planters and producers would lose the premium allowed on sugars from the cane-juice, given to them as an equivalent to the loss allowed in competition with beet-root sugar manufacturers. It was in vain that we petitioned the Home Government to allow us to continue our shipments to the American markets, but our voice was not hearkened to. Our exports to your country have therefore diminished by the force of affairs and by the exercise of this all-powerful legislative action.

In the meanwhile, and notwithstanding these obstacles (that can not exist very long), so powerful are the geographical conditions and the mutual sympathies of both countries, the importations from America are yearly increasing, and to such an extent that, at the present time, certain products of the United States — flour and corn meal, for instance — have virtually replaced similar French products in our market. What would not, therefore, become the extent of our commercial relations if, by proper legislation, a broader course should be given to our mutual commerce?

There exists another monopoly, no less advantageous, which seems to one to be finally acquired by the large commercial firms in the United States. That is, the transportation by steam-vessels of all the products necessary for consumption by this colony. This fact is already partially realized by the line of steam-vessels of the Quebec Steam-ship Company that has been running here for a number of years, and that lands here almost exclusively our provisions and other lesser merchandise for our use. Two-thirds of the freights by sailing vessels have been taken up by steam-vessels, and it lies in the destiny of steamer lines to absorb the totality of this freight business. The Quebec line and the steamers of other companies have in part contributed to the modification of the commercial usages of St. Pierre. Before they called here food products from the United States were consigned to only a few of the principal merchants of this town, who disposed of these goods to other merchants for retail purposes. These merchants have changed their way of doing business, the more especially so since steamers have been calling here at stated intervals, for they now avail themselves of the opportunity to write direct to their own correspondents in New York or other ports, and receive their own supplies according to their wants. This is a fact worth mentioning; the steamers *Bermuda*, *Muriel*, *Trinidad*, and others reach our port well laden with goods, divided into lots of more or less importance, and destined for our large as well as to our small merchants.

The part taken by these steamers in conveying provisions, etc., to our market has rendered them popular, so to speak, with all classes. As an instance, the boatmen, the laborers, and that class of people lounging about the Place Bertin designate such steamers only by the word "Bourbe," a word borrowed from the Creole language, which can only be translated by the words "meat safe."

In this present note we indicate the circumstances that seem to us likely to predominate in a short time, and have backed them with real proofs. Let those who may find it to their interest study the matter more deeply.

In connection with these matters we will further state that it is very much to be regretted that the consumers of powdered sugars, in such a large majority in the States, do not try to substitute for the sugar there colored by chemical process our white crystallized sugar, which

equals in beauty and quality our refined sugars. They would certainly find it to their advantage to make the change. Such crystallized sugars could very easily find their way into the retail trade, in all groceries in maritime ports and other cities of the United States.

Allow us to make the same remark in regard to our rums, that have been found to be the best of all those manufactured in the Antilles, and which are now sought after in all markets. They now occupy the place left vacant by the insufficiency or decay of the similar product from Jamaica. These rums can now be offered to both rich and poor, and even in countries where the import duties almost prohibit their entering the markets. They would certainly enjoy a great success were they introduced in New York and the other large cities of the Union.

A large business has been done for a long time past with the West Indies, and more particularly with Jamaica, in the line of vegetables and green fruits. Ships with refrigerating appliances are sent from the imperial city to these islands loaded with fresh beef and mutton, game, and all sorts of victuals, that are sold ex-quay without the trouble of storing, sometimes at public sale. These vessels, on their return voyage, fill up their holds with bananas, egg-plants, guavas, sweet potatoes, "couche-couche" (*Caladium esculentum*), oranges, pine-apples, and mangos. This sort of business, it seems, has become a local habit and realizes large profits. If vegetables and green fruits, thus imported in the United States, are capable of being readily sold, and to the medium classes of society every advantage exists in buying these goods from the Greater Antilles, because the extent of the territory of these islands which is not devoted to industrial culture assures, at a more reasonable price, a larger quantity of these products alluded to than that of our Lesser Antilles, the soil of which is covered with sugar-cane, coffee, and cocoa. On the other hand, note must be taken if it be necessary to specially provide for the richer classes, large hotels visited by wealthy customers, such as Delmonico's, the Fifth Avenue, the Hoffman, the Windsor, and the Astor House, and stores similar to those in Paris, like those of Chevet, Patel, Cavellier, and Patin. In such places quantity must give way to quality, and in such cases Martinique is the place to which one should go to provide himself, as the soil is in a more advanced state of culture than elsewhere. Some of her fruits have been found of such superior quality that time has stamped them as the best. Nowhere else are there to be found pine-apples more juicy than those from Gros Morne, which part of the island has been able to supply France for a long time past. Oranges from Parnasse, the Pitons, Morne des Cadets, Vanclin, and other parts of the island find no rival. The same can be said of the Barbadianes and of the Pommess de liane. These fruits, preserved on ice or in refrigerating chambers, would reach the United States in perfect condition, and would prove a treat for epicures. We can also cite the collection of mangues possessed by Martinique, which are unrivaled in quality, and in the production of which the island is specially privileged, from the commonest kind, called the Mangot, to the Freycinet, the Martin, the Julie, the Mangue Divine, and the Mangue d'Or, all the most delicious of all tropical fruits.

Game and fresh meats imported in refrigerating vessels would be purchased outright on their being landed. A merchant in St. Pierre, who died a few years ago, Mr. Azevedo, left a large fortune that he acquired after twenty years of traffic in the ice business and the importation of eatables thereby preserved, which he received per his ice ships. And these craft were sailing vessels. Mr. Azevedo, in a very short space of time, became one of the large capitalists of this city.

G. BORDÉ,

President of the Chamber of Commerce.

ST. PIERRE, September 30, 1889.

The horse-bean in China.—In transmitting a sample of horse-bean seed, which has been sent to the Department of Agriculture, Consul Pettus, of Ningpo, under date of September 18, 1889, says the horse-bean is planted in his district in the cotton fields after the cotton is picked, say 15th November. A boy goes along with a pointed stick and makes holes in the ground,

while another drops in the seed and covers it with his foot. In December this plant comes up; it is not cultivated; the frost keeps down the weeds, and early in April the seed is matured, when it is picked. After being well fertilized the ground is again planted with cotton. The bean is a fair vegetable for the table while green, and when matured is parched, boiled, or roasted, and sold by Chinese confectioners. It has then a flavor something like a roasted or boiled chestnut. It grows on a stout stalk some 2 feet or 30 inches high and is very prolific.

VALUE OF LANDED PROPERTY IN MEXICO.

REPORT BY MR. WHITEHOUSE, CHARGÉ D'AFFAIRES AD INTERIM.

The recent bulletin of the bureau of statistics, a copy of which is herewith transmitted, will, upon examination, be found to be somewhat at variance with the estimates of recognized authorities on the same subject. Mexico, and the adjacent islands belonging to it, has generally been estimated (and is so in the recently published work of Garcias Cubas) as covering an area of 1,946,292 square kilometers, but, according to the bulletin, this extent is increased to 1,983,382 kilometers for the mainland and 3,681 for the islands, or a total of 1,987,063 square kilometers. By this new estimate some 4,000 kilometers are added to the Republic.

According to this year's estimate by Garcia Cubas the population is 11,395,612, which estimate the official publication raises to 11,490,830. Owing to the difficulty of correctly ascertaining figures of this kind in the Republic, it is safe to place the population in round numbers at 12,000,000. For the same reasons that of the capital may be estimated as reaching very close to 400,000; the municipal census places it at 329,000, and the bulletin at 350,000.

According to the declarations made by the proprietors to the tax officers the value of landed property is \$483,526,771 Mexican currency (\$1 Mexican = 73.9 cents), of which figures \$252,086,126 represent city property and \$231,440,645 the country. These figures, however, can hardly be considered as correct. Two years ago the tax office placed the value of property in the city of Mexico at \$45,000,000, and this estimate has formed the basis for statistical studies, as, for instance, in the important synoptical and statistical table prepared by Baron Bodo von Glümer. After the mercantile agency of this Republic had been formed by Mr. Feliciano Navarro, however, this gentleman, realizing the insufficiency of the data of the tax offices to determine the value of landed property, set to work to calculate its value. Making use of the data of the public register of landed property and of the monthly rents of tenants, capitalizing the rents at an annual 8 per cent., he was led to fix the value of city of Mexico property at from \$101,000,000 to \$102,000,000. This estimate is universally accepted as being nearest the true figures. This being the case, and considering that it has been possible to officially accept an underestimate of the value of landed property of nearly 125 per cent. in the

capital, where all the materials and the necessary facilities and conveniences for forming correct calculations are at hand, what can be expected in the greater number of the States, where there are more or less imperfectly organized facilities; and especially in those immense rural estates, the values of which are exceedingly difficult to fix. Taking into consideration this argument, the estimate of \$483,000,000 as the total value of landed property in the Republic would seem exceedingly low. Further, if from the total value of town property in the whole country we deduct \$102,000,000, corresponding to the value of property in the city of Mexico (taking it as an approximate figure), there remain only \$150,000,000 as the value of town property in the rest of the Republic; and supposing, for reasons above given, that in this valuation there is not an error of 125 per cent., as in Mexico, but of, say, 140 per cent. (including, generally, regions in which the administration is more imperfect), we obtain an approximative value of such town property of \$360,000,000. This is a much more likely figure, as it would appear impossible that the values in Mexico city alone should be so little inferior to the total of all the other united cities and towns in the Republic, including such places as Guadalajara, Puebla, Leon, Zacatecas, Guanajuato, San Luis Potosi, Merida, Guere'taro, Monterey, Morelia, Oaxaca, Vera Cruz, and Orizaba, whose united inhabitants number nearly 700,000, and the other towns and villages in the Republic, whose total population is ten times greater than that of Mexico city. Four hundred and sixty-two million dollars as a total of city property in the Republic is a much more acceptable estimate.

According to the first estimate of country property \$10,000,000 are allowed to the federal district and \$221,000,000 as the value of that in all the states and territories of the Republic. As in addition to all the causes which make the accurate valuation of town property so difficult there are others, and far greater when the immense rural properties come under consideration, so, having accepted in the former case an error of 140 per cent., there is no exaggeration in acknowledging for this last an error of 150 per cent., and placing the approximative value of rural property in the states and territories at \$552,500,000. Consequently the total approximative value of landed property in the Republic would be as follows:

City property in district	\$102,000,000
Rural property in district.....	10,000,000
City property in states and territories.....	360,000,000
Rural property in states and territory.....	552,500,000
Total	*1,024,500,000

Besides such properties there are others belonging to the nation, or to the states and municipalities, which pay no taxes. There are 1,342 parishes in the Republic, 8,763 Catholic churches and chapels, and 88 Protestant places of worship.

Basing the calculations on the foregoing, it is therefore estimated that the total value of landed property in the Republic of Mexico is not far short

* In American money \$757,105,500.

of \$1,500,000,000, which is certainly a very different figure from the \$483,526,771 furnished by the tax office calculations and given out in the bulletin.

How far the higher estimate can be relied upon I am not prepared to say, but certainly the arguments alleged in its support would seem valid and worthy of due consideration,

H. REMSEN WHITEHOUSE,

Chargé d' Affaires ad interim.

UNITED STATES LEGATION,

Mexico, October 9, 1889.

COMMERCE OF FALMOUTH.

REPORT BY CONSUL FOX.

THE PILCHARD FISHERY.

The records of the past season, 1888-'89, show the heaviest catch of pilchards for fifteen years, the total quantity secured being some 26,500 hogsheads. This is a great increase over the previous season, when only about 8,000 hogsheads were secured, none of which were caught by the seine boats, whilst this year fully 9,000 hogsheads were obtained by these means, the remainder being landed by the drift-net boats.

An impetus has been given to the exportation of fish to Italy by the customs authorities of that country having remitted the duty on them, which formerly amounted to \$2.06 per hogshead.

Some 20,500 hogsheads (nearly all packed in half-hogsheads, or casks) were exported to Italy during the season, leaving 6,000 to 7,000 hogsheads, on this side for the coming campaign.

I annex a copy of the annual circular, dated May 3, 1889, issued by Messrs. J. C. Fox & Co., giving statistics relating to this business:

The statistics of the past season show the heaviest catch of pilchards since 1873, viz, some 26,500 hogsheads, besides which the campaign began with a stock of 500 hogsheads on this side. The quantity exported, as per annexed statement, was about 20,500 hogsheads, and there remain 6,000 to 7,000 hogsheads in pickle on this coast, and about 1,000 hogsheads in Italy, against next season.

The marked superiority of pickled over bulked or huddled fish has again been evident, some of the latter being very difficult of sale in the face of large supplies of good quality pickled fish.

The summer fishery only yielded about 2,200 hogsheads. Prices for same ruled from \$14.59 to \$17.02 to curers. About 9,000 hogsheads of seine fish caught in October with accompanying drift catches lowered the price for curers to \$13.62, and the drift boats continuing to have good fishing through November, December, and January, the prices gradually fell to \$10.21 to curers.

For delivery next season some fish in pickle have been sold by curers as low as \$11.19, but those who refused this price have since made a higher figure.

Very few whole hogsheads were exported, nearly all the fish being packed in half-hogsheads, and the word "cask" is now commonly understood to represent a half-hogshead.

The year 1888 will be memorable for the remission by the Italian customs authorities of the duty on British pilchards, viz, 5 lire per 100 kilograms, or about \$2.06 per hogshead. This is in consequence of the pilchard now being acknowledged to be the same fish as the sardine, sardines being admitted free of duty into Italy.

FALMOUTH AS A PORT OF CALL.

The following is a return of vessels arriving at Falmouth during the year ending December 31, 1888, exclusive of ships of war and coasting craft :

Nationality.	Number of ships.	Tonnage.	Nationality.	Number of ships.	Tonnage.
British.....	654	523,733	Spanish.....	12	5,334
Norwegian.....	244	98,955	Russian.....	5	2,476
German.....	213	118,324	American.....	3	4,587
Italian.....	108	61,399	Belgian.....	3	2,185
Danish.....	54	12,420	Greek.....	3	1,827
Swedish.....	52	21,046	Brazilian.....	3	888
Dutch.....	51	34,905	Montevidean.....	2	993
French.....	29	21,959	Total.....	1,454	918,980
Austrian.....	18	7,949			

The number of such arrivals in 1887 was 1,359, with an aggregate tonnage of 840,630. The present return, therefore, shows an increase of 95 in the number of ships and of 79,150 in the tonnage.

In 1887 11 American vessels, with an aggregate tonnage of 13,998, arrived here, whilst in 1888 the number had decreased to 3 in ships and 4,587 in tonnage.

IMPORTS AT FALMOUTH FROM THE UNITED STATES.

Ship.	Tons registered.	From.	Cargo.	Flag.
Braemar.....	1,036	Portland, Ore...	Flour.....	British.
Forsøget.....	628	Mobile.....	Timber...	Norwegian.
St. Andrews Bay (steam-ship).....	1,135	Baltimore.....	Maize.....	British.

During the similar period of last year, viz, from October 1 to September 30, the number of such importing vessels was likewise three.

IMPORTS FROM OTHER COUNTRIES.

The customs will not supply complete details of such imports without payment. I have, however, succeeded in obtaining the following information, which, I trust, may be acceptable. I am unable to obtain similar information respecting the other ports of my district.

Whence.	Number of vessels.	Cargoes.
Spain.....	62	Oxen, onions, eggs, bone, tin ore, pyrites of copper.
Sweden.....	15	Timber.
Norway.....	13	Do.
Belgium.....	12	Phosphate, bark, gunpowder, dynamite.
France.....	11	Phosphate of lime, plaster stone, sugar, onions, potatoes, bones, tin ore, phosphate rock, oysters.
Morocco.....	7	Maize, bones.
Germany.....	5	Deals, potatoes, barley, wheat.
Russia.....	4	Barley.
Turkey.....	1	Maize.

This compares favorably with the corresponding periods (October 1 to September 30) of 1888 and 1887, when the number of ships embraced in the foregoing return were 111 and 96, respectively.

*Statement showing the value of declared exports from the consular district of Falmouth to the United States during the four quarters of the year ending September 30, 1889.**

Articles.	Quarter ending—				Total for the year.
	December 31, 1888.	March 31, 1889.	June 30, 1889.	September 30, 1889.	
Arsenic	\$4,205.97	\$10,359.47	\$11,528.72	\$1,799.62	\$27,893.78
China clay.....	7,181.02	28,703.87	11,203.86	26,882.03	73,970.78
Miners' hats.....				447.12	447.12
Oil paintings.....	2,676.57	1,824.93	1,550.00		6,051.50
Patent fuse.....		155.72			155.72
Pilchards.....	316.32				316.32
Salted roans.....			2,998.39		2,998.39
Tin.....		5,058.84	4,669.15	4,553.00	14,280.99
Total.....	14,379.88	46,102.83	31,950.12	33,681.77	126,114.60
Total for preceding year.....	15,509.83	9,226.48	4,738.21	47,997.15	77,471.67
Increase.....		36,876.35	27,211.91		48,642.93
Decrease.....	1,129.95			14,315.38	

THE HARVEST.

The season for cereals in my district opened with brilliant prospects for an abundant harvest, and continued up to within about six weeks of the ingathering, when heavy rain set in and militated considerably against the quality of the grain; but, on the whole, seeing that the weather improved towards the close, the quantity and quality are equal to other years.

Wheat is considered to be a heavy crop, but rather inferior in quality, owing to reasons above stated. Barley and oats are rather above the average. Straw is plentiful. The root crop is an extremely good one. Fruit has been abundant and of superior quality.

HOWARD FOX,
Consul.

UNITED STATES CONSULATE,
Falmouth, October 1, 1889.

Port charges at the Philippines.—Consul Webb, of Manila, under date of September 11, 1889, reports that the Official Gazette (Madrid) of September 10 publishes a royal decree establishing a temporary increase of the import tax of 50 per cent.; 20 centavos for each litro of industrial alcohol consumed, and 25 centavos for each 100 kilograms of rice, whether imported or exported; \$1 for each 1,000 kilograms loaded or unloaded from vessels, leaving the vessels free from navigation taxes. All export taxes are abolished, except on tobacco, which will continue to pay the regular tax. The former taxes will be collected from vessels arriving at or departing from ports of the archipelago prior to the 31st of December next.

MEXICAN COINAGE.

TRANSMITTED BY MR. WHITEHOUSE, CHARGÉ D'AFFAIRES.

Table showing the amount of gold, silver, and copper coined in the mints of the Republic during the calendar year 1888.

Mints.	Gold.				
	\$20 pieces.	\$10 pieces.	\$5 pieces.	\$2.50 pieces.	\$1 pieces.
Alamos		4,521			
Chihuahua	351	175	120		104
Culiacán	473	767			2,586
Guanajuato	1,011	68	65	110	210
Mexico	7,300	144	250	540	1,000
Oaxaca	170				
Zacatecas	50	4,810	70	80	280
Total	9,355	10,485	505	730	4,180

Mints.	Silver.				Copper.
	\$1 pieces.	25-cent pieces.	10-cent pieces.	5-cent pieces.	1-cent pieces.
Alamos	507,650	19,880	38,300	32,000	
Chihuahua	2,433,864	14,192	298,800	144,600	
Culiacán	768,358	86,308	56,300	119,160	
Durango	995,830	25,005	31,375	91,275	
Guadalajara	2,038,477		378,370	300,244	
Guanajuato	4,007,000	312,000	50,000	320,000	
Hermosillo	364,180	19,760	24,800	12,000	
Mexico	7,179,000	192,000	710,000	360,000	9,984,389
Oaxaca	144,550				
San Luis Potosí	2,438,300	106,380	135,950	210,300	
Zacatecas	5,132,000	408,000	270,000	500,000	
Total	26,009,209	1,183,525	1,993,955	3,089,579	9,984,389

Mints.	Total in dollars.			Grand total.
	Gold.	Silver.	Copper.	
Alamos	\$45,219	\$518,050.00		\$563,260.00
Chihuahua	9,474	2,474,522.00		2,483,996.00
Culiacán	19,716	801,529.00		821,245.00
Durango		1,009,782.50		1,009,782.50
Guadalajara		2,091,326.20		2,091,326.20
Guanajuato	21,710	4,106,000.00		4,127,710.00
Hermosillo		372,200.00		372,200.00
Mexico	151,040	7,366,000.00	\$99,843.89	7,616,883.89
Oaxaca	3,400	144,550.00		147,950.00
San Luis Potosí		2,489,005.00		2,489,005.00
Zacatecas	49,930	5,286,000.00		5,335,930.00
Total	304,400	16,652,964.70	99,843.89	27,059,288.79

TRADE OF RIGA.

REPORT BY CONSULAR AGENT BORNHOLDT.

AMERICAN GOODS IN RIGA.

The import trade from the United States to this port seems to be increasing, but it is difficult to form a correct opinion of the exact quantities, as the goods are not coming with direct vessels, but transshipped in London, Hull, Hamburg, Copenhagen, or Stettin. There is no doubt that the import of agricultural implements, machines, tools, and like goods could be much more developed by establishing store and sample rooms, and if American travelers would more often visit this city, which is a staple and central station for supplying the interior of Russia. On account of the superior workmanship the American goods are sure to be able to take up the competition with any other European goods, notwithstanding that the home industry is now supplying many articles that were imported formerly.

EXPORTS TO THE UNITED STATES.

The export articles to the United States comprise chiefly hemp, leather and skins, liquors and spirits, printed books, rubber waste, etc.

RIGA AND LIVONIA RAILROAD.

The railroad from Riga through the province of Livonia was opened to the traffic a few months ago, and great hopes are entertained of an increase of business, as the districts through which the road passes are producing large quantities of grain and flax. In connection with this railway it has been decided to build an elevator on the side of the River Dūna, just below this city, and there is no doubt that this will be an immense boon to our exporters as well as to the shipping, as the heavy expenses for cartage from the railroad and warehouses will be avoided and the steamers loading grain will manage to get a much quicker dispatch than in former times. The regulation of the River Dūna has also been done and a stone-wall is now being built along the city side of the river, which will give more comfortable berths for steamers.

NAVIGATION.

During the year 1888 this port had been visited by 2,500 vessels measuring 1,080,300 tons, and from the first of January up till this date 1,180 steamers and 591 sailers, mostly carrying the English, German, and Scandinavian flags, have arrived here. No American vessel entered the port during that time. The vessels were chiefly employed in the trade between this port and Great Britain, France, Belgium, and Netherlands, as also to Baltic ports, Stettin, Lübeck, Copenhagen, Swedish and Norwegian ports. Freights have ruled pretty fair in last autumn and this year, and have been profitable to owners.

No. 109, October—12.

IMPORTS AND EXPORTS.

Year.	Imports.	Exports.
1888.....	\$12,385,168	\$27,743,330
1887.....	12,538,751	26,138,205

This increase speaks favorably for the trade of this port during the year under review.

From the beginning of January until the middle of April our port was inaccessible through ice in the Riga Bay. The first part of this summer was hot and dry and in the latter part much rain fell, which to some degree was detrimental to the grain crop, but the reports from the interior as to the results are pretty fair, and a good export business of grain as well as flax and hemp may be expected this autumn and next spring.

NIELS P. A. BORNHOLDT,
Consular Agent.

UNITED STATES CONSULAR AGENCY,
Riga, October 11, 1889.

Peronospora.—Commercial Agent Smith, of Mayence, under date of October 3, 1889, reports that the German viticulturists held at Treves last week their eleventh annual congress, and were in session several days; but nothing of interest to the people of the United States occurred, unless it be some remarks made by Oekonomierath* Goethe on the peronospora. This plague has done a good deal of damage in the vineyards of Germany, especially in those on the Moselle, and on March 7, 1887, I made a brief report to the Department regarding it. Mr. Goethe said that in no year has this dangerous enemy to the vine appeared so early as this year. The winter spores were no doubt carried by insects and snails to the vine, and it is therefore manifestly necessary, he said, that snails and slugs be early looked after and extirpated. Badly cultivated vineyards suffer more from the peronospora than those well cared for. As a remedy against the peronospora he recommends the sprinkling of the vines with a solution of vitriol of copper and soda, composed of about 5½ pounds (avoirdupois) of vitriol of copper in 6 quarts of water and the same quantity of soda in 12½ quarts of water, out of which 100 quarts is made by adding 80 quarts of water to the mixture. In the Rhineland, he says, the young grape leaves should be sprinkled with this very weak dilution in June and again about four weeks later. The scattering of sulphur and lime over the vines, he says, is also very good.

* Oekonomierath is a title which is supposed to be bestowed because the receiver has distinguished himself in agriculture.

THE SUGAR INDUSTRY OF THE PHILIPPINES.

REPORT BY CONSUL WEBB, OF MANILA.

As sugar ranks next to hemp among the products of the Philippines, and as its preparation for market is much more difficult and complicated than that of the latter, a description of the various methods and processes in vogue here will probably be of interest to the agriculturist as well as to the sugar importer and refiner. I am indebted for the following facts upon this subject to Mr. Federico H. Sawyer, member of the British Institute of Civil Engineers, who has lived in the Philippines for many years, traveling extensively throughout the archipelago, making extensive notes of the sugar and other interests. He says that owing to its geographical situation, its beneficent climate, its vast areas of fertile land, its facilities for inland navigation, its freedom from political excitement and disturbances, and, above all, to its millions of natives, fit for the rough labors of agriculture, this country is better suited than any other in the world to the cultivation of the sugar-cane on a large scale. As the cultivation of the cane and the manufacture of sugar require a larger outlay in labor, in proportion to the value of the product, than any other staple, the presence of an indigenous population that occupies itself in this industry is of the first importance. In Cuba, Jamaica, Demerara, Brazil, Peru, Mauritius, Australia, Natal, and other countries producing sugar the cultivation depends almost entirely on the importation of coolies, which not only obliges the planter to incur heavy expense, but also involves many abuses and annoyances.

EXPORTS.

The exportation of sugar from the Philippines has reached one-third of the amount exported from Cuba, and the present condition of the industry seems to justify the expectation that within twenty years these islands will rank with that rich country in the production of sugar.

The following table will show the exportation of sugar from the Philippines during the past twenty-eight years:

Year.	Tons.	Year.	Tons.
1861.....	59,491	1875.....	141,342
1862.....	90,458	1876.....	146,481
1863.....	84,009	1877.....	137,612
1864.....	71,440	1878.....	132,318
1865.....	61,797	1879.....	149,679
1866.....	61,422	1880.....	203,163
1867.....	72,306	1881.....	235,380
1868.....	82,970	1882.....	171,636
1869.....	77,075	1883.....	238,242
1870.....	87,599	1884.....	137,675
1871.....	97,960	1885.....	226,983
1872.....	106,989	1886.....	158,095
1873.....	100,057	1887.....	200,646
1874.....	116,324	1888.....	207,544

But improvement in quality, Mr. Sawyer says, has not kept pace with the increase in quantity, and the condition of the industry in these islands has reduced the price of the sugar. For example, the price of Manila brown sugar in the Liverpool market early in January, 1880, was 18s. 9d.; in the latter part of the same month it was 15 shillings, at which it remained until January, 1882, when it fell to 14s. 9d.; in January, 1883, it was 11s. 9d.; January, 1884, 12s. 6d.; January, 1885, 8s. 9d., and there has been comparatively little variation in the price since.

In no sugar colony governed by Europeans is the mode of manufacture usually practiced so primitive, expensive, and irrational. This is the more surprising when the fact is considered that in the Spanish Antilles the making of sugar has been brought to a high degree of perfection, notwithstanding the difficulty the planters have had in finding laborers. This is explained by the fact that in the Philippines the planter has been compelled to throw himself into the hands of the natives, who rarely feel the necessity of work and are content to move along as they have been moving for years, and by the other fact that the sugar lands have been in the hands of natives, who have neither the means nor the knowledge necessary in order to undertake the manufacture of sugar according to modern methods. The sugar exported from Manila is almost entirely produced on the island of Luzon, only a comparatively small portion of it being received from Iloilo, of a superior class, for shipment by steamer to Spain. This probably does not amount to more than 1,400 tons per annum.

METHODS OF CULTIVATION AND MANUFACTURE.

The sugar districts of Luzon, beginning at the north, are Pangasinan, Tarlac, Nueva Excija, Pampanga, Bulacan, Bataan, Laguna, and Batangas. In the district of Morong is the plantation of Jala Jala, which promises to become very productive, and in the province of South Camarines the Cansip plantation is famous as the first in the archipelago to employ the vacuum-pan in sugar making.

In Pangasinan there are a few steam-mills and quite a large number of iron ones run by animal power. The production is boiled down and the sugar is sent in "pilons," or cone-shaped earthen molds, to Manila. The process of manufacture is of the most primitive description.

In Nueva Excija and Tarlac there are some plantations belonging to Spaniards that have good steam-mills for the extraction of the cane juice, but they are not far in advance of the natives in the manufacture of sugar.

In Cabanatuan, however, there are sugar works, lately erected, with improved machinery.

In Pampanga, Bulacan, and Laguna the cane is generally planted on a smaller scale, but on numerous plantations, which are principally in the hands of natives and mestizos. It is possible that in these three provinces there are more than three hundred steam-mills of from 3 to 10 horse-power, and a few iron mills, the old stone and wood sugar-mills having almost entirely disap-

peared. In these provinces the sugar, after having been brought to the proper density, is put into pilons, which are placed over pots or "ollas," and the sugar becomes purged of a portion of the molasses through a hole in the bottom of the pilon in a slow and very imperfect manner. The manufacture conducted in this manner, while giving a somewhat better quality of sugar than the system followed in other portions of the island, known as the "Taál system," is attended by several disadvantages, such as the cost of the molds, their fragility and inconvenient form for transportation, the necessity of having large sheds or warehouses to contain them while purging, as they can only be conveniently arranged in a single tier; the great length of time required to effect the purging (frequently more than six months), causing the loss of interest on the value of the sugar, although each mold, or pilon, yields a pot of molasses, which may be worth about half a dollar. Nearly all the planters use this molasses to mix with the sugar from the following crop, taking the greatest pains to incorporate with the sugar the largest possible quantity of this substance, which the sugar planters of every other country in the world endeavor, by all means in their power, to eliminate. However, they adhere tenaciously to the custom, and their motive will be apparent in what I shall write of co-operative farming further on.

The planters of these three provinces have frequently suffered heavy losses from the burning of their sugar store-houses and contents, from inundations, and the destruction of the roofs by typhoons or from earthquakes. All these losses are, of course, direct results of the absurd custom of keeping the sugar for so many months instead of selling it as soon as made, and not less have been the losses on many occasions from holding the sugar on a falling market without the least idea of the state of commerce.

But the great trouble attendant upon the manufacture of sugar in pilons is that it requires a special preparation before it is ready for export. This is effected in the establishments called "farderias," or drying grounds, which are located at Manila and a small town about 5 miles southward called Malabon.

At these farderias the pilon is emptied and its contents, a cone of dirty brown sugar, about 2 feet high and perhaps 15 inches in diameter at the base, is cut into pieces and classified according to its color and quality. It is then broken up with mallets and placed on mats to dry in the drying grounds attached to the farderia warehouses, where it is exposed to the sun. When perfectly dry it is mixed in various proportions so as to obtain a shipment of uniform quality and color, after which it is packed in bags for delivery to the exporters.

As the farderos, or owners of the farderias, are the sole purchasers of pilon sugar, and as there are but four of these establishments, it is reasonable to suppose that they are usually able to buy at a very low price, owing to the limited competition.

The dry sugar exported from Manila is prepared almost entirely from the pilon sugar produced in the province named, and nearly all of it is shipped to the United States and England.

The wet sugar exported from Manila is produced almost entirely in the province of Batangas. The large town of Taal is the port of the sugar-producing district of the same name. The inhabitants adhere strictly to old customs in sugar making, and are not only indifferent, but quite hostile, to improvement.

In the Taal district there are several steam-mills and a few hand-mills of English manufacture, but the old sugar-mills of stone or wood, with vertical cylinders, such as were used in Europe in the thirteenth century and in the island of Madeira and Brazil in the fifteenth, are in general use. These rude machines, laboriously turned by buffaloes or oxen, by repeatedly breaking the cane, manage to extract about 40 per cent. of its weight in juice. This is boiled down in iron pans placed over a trench dug in the ground until the sugar and other solid matter forms a black, pasty mass of most repugnant aspect, which is the current sugar of Taal. This substance is taken from the pans and thrown into a corner of the shed in which the manufacturing process is carried on, a mud-wall being built up in front of the heap as its size increases. This wall is an essential part of the process, and when the filthy, black sugar is removed is, as far as possible, incorporated with it in order to increase the weight. This mixture is the Taal sugar of commerce. It is put into mat bags, about six of which make a load for a country cart, and long strings of these vehicles daily crawl down to the port, the molasses trickling from them along the road and mingling with the dust. The average loss in weight from the boiling-house to the port and from thence to Manila is estimated at about $2\frac{1}{2}$ per cent.

The bags usually arrive at Manila in a most dilapidated condition and are heaped up in immense warehouses, the stone floors of which slope toward pits or tanks provided to catch the molasses that is always dripping from the sugar.

Most of the Taal sugar goes to Europe, and before it can be shipped it is necessary to repack it into new bags. This operation is performed in the warehouses, where crowds of native men and women, the former almost naked, and all splashed from head to foot with molasses, are employed, the men emptying the old bags and filling the new ones and the women scraping the old bags with knives to save the sugar sticking to them.

The old bags are sold to the distillers, who steep them to dissolve the sugar remaining and use the liquor for setting up their vats.

The cost of discharging the sugar from the coasting vessels and of repacking it for export is about $17\frac{1}{2}$ cents per picul, exclusive of the loss in weight.

Notwithstanding the precaution taken at Manila of repacking the Taal sugar, it is not uncommon to find upon the arrival of the vessel at Liverpool that it is impossible to distinguish the different bags, as they are torn to pieces and the fragments and the sugar have conglomerated into a solid mass, which must be excavated with pickaxe and shovel; and should the cargo belong to more than one consignee the distribution must be made in proportion to the total weight shipped, as all marks have disappeared. The loss in weight

during the voyage to Europe by sailing vessel is frequently from 10 to 12½ per cent.

The backwardness of the Taal district is the more noticeable since in Balayan, Tanánan, and Batangas, all close to Taal, has been made for a number of years a sugar called "Improved Taal," which is sold at a price considerably in advance of that received for the sugar of the former district. In Balayan there are two factories using vacuum-pans and centrifugals and turning out excellent sugar, while there are numerous steam-mills in the other districts. Thus the Taal people are not without practical evidence of the advantages of improved machinery, but it seems to make little or no impression upon them.

Following is an analysis of the Luzon sugars made for Mr. Sawyer by a local chemist:

Properties.	Laguna.	Pam-panga.	Pangasinan.	Taal.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Crystallizable sugar.....	82.50	78.40	76.60	70.60
Glucose.....	5.70	10.60	8	12
Mineral salts.....	1.34	1.80	1.12	3.50
Sand.....				0.50

An analysis of the farderia sugar No. 9 shows 87.3 per cent. of crystallizable sugar, 5.08 of glucose, and 1.45 of mineral salts.

The exportation of Luzon sugar for the past eleven years has been as follows:

Year.	Tons.	Year.	Tons.
1878.....	55,566	1884.....	137,675
1879.....	85,219	1885.....	227,909
1880.....	112,646	1886.....	208,095
1881.....	140,091	1887.....	93,555
1882.....	85,474	1888.....	104,997
1883.....	238,244		

In the province of Iloilo and the Ysla de Negros the conditions of the sugar interest vary considerably from those which prevail on the island of Luzon. The cultivation of the cane is much more recent, and the development of the industry is due, in great part, to the active efforts of the late Don Nicholas Loney, to whom the planters desired to erect a monument, but the project was never carried out. A large number of the regular plantations belong to Spaniards or Spanish mestizos, and the system of partnership just described does not prevail, the work of the plantations being done by hired laborers, who are paid by the day or month. While this system may increase the profits it also affords the progressive planter opportunities to change established customs, if he desires to do so, and to introduce such improvements as he deems convenient, without having to consult

with his tenant. On the other hand, he is frequently put to inconvenience by not being able to procure help when he needs it, as the natives, having no interest in the crop and so few wants and living very cheaply, work only when they feel like it and exact much of their wages in advance. Again there have been instances where a gang of laborers have presented themselves to the planter offering to work for whatever he was willing to give, demanding a large portion of the wages in advance, and disappearing a few days afterward, or taking advantage of some pretext for refusing to work. In Visayas, therefore, the question of help is considered of the greatest importance to the planter, and were it not that the fraud and vagrancy of the tramp laborer are severely punished by the authorities it would hardly be possible to cultivate the cane there profitably.

But the system followed in Iloilo is far more profitable and satisfactory generally than that of manufacturing sugar in pilons or by the barbarous system pursued by the people of Taal. It does not require more machinery nor apparatus than the others, but it is characterized by greater care, cleanliness, and accuracy in the process of manufacture. The juice is boiled until it arrives at a certain density, only to be judged by an experienced boiler, and it is then emptied into wooden troughs or trays in thin layers and beaten until it assumes a yellow color and becomes an amorphous sugar, known as "Superior de Iloilo." It is put in bags for sale immediately, and is ready for exportation without any preparation. It does not drip molasses, and its loss in weight is insignificant. Besides, the planter obtains for his superior sugar a price equal to that obtained by the farderos for their best Manila sugars. It is divided into three classes, and a cargo should consist of one-eighth of No. 1, two-eighths of No. 2, and five-eighths of No. 3. Recently, owing probably to experience in the process of manufacture or to improvement in the method of cultivating the cane, the proportion of No. 1 has increased considerably, and a number of lots have been shipped composed entirely of this class.

In 1878 there was exported from Iloilo 45,472 tons of sugar; in 1886, 97,317; in 1887, 87,994; and in 1888, 87,325.

An analysis of the three grades of Iloilo sugar shows:

Properties.	No. 1.	No. 2.	No. 3.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Crystallizable sugar	85	80	71
Glucose.....	5.50	4.90	11
Mineral salts.....	1.28	1.80	2.56

In the island of Cebu there are several steam and three hundred and seventy-seven cattle mills, mostly of English make, the old wood and stone mills having almost entirely disappeared. The lands are principally in the hands of natives, who have small plantations, and the cultivation of the cane has been on a limited scale. The system prevalent in Iloilo is followed, but the

planters are less expert than those of the latter district, and their sugar is of an inferior quality. An analysis of the Cebu superior and current sugars shows:

Properties.	Superior.	Current.
	<i>Per cent.</i>	<i>Per cent.</i>
Crystallizable sugar	81.10	71
Glucose	7.90	12.50
Mineral salts	2.16	2.23

There has been only a slight increase in the production of Cebu sugar since 1878. In that year 17,208 tons were exported; in 1886, 20,316 tons; in 1887, 19,882 tons; and in 1888, 18,697 tons.

SUGAR FARMING ON SHARES.

"Aparceria," or partnership, is the name given to the arrangement between the owner of the land and his tenant who undertakes to cultivate the sugar-cane on shares. There is probably not a single plantation on the island of Luzon where the laborer is hired by the day, week, or month. The conditions of the partnership vary according to the situation of the land to be tilled and established custom. If it is near a town, the laborer receives a smaller proportion of the produce than when it is near the jungle; for when it is in the latter situation, if he is not satisfied with the terms offered, he can clear a piece of land for himself and cultivate it on his own account.

Usually, in the province of Pampanga, the land-owner provides the land cleared and ready for the plow, the cane points for the first planting, sugar-mill, boiling pans and boiling house, money for the support of the laborer until the cane is harvested and for taking off the crop, and carts to carry the cane to mill. The tenant furnishes his labor and that of his family to plow, plant, and cultivate the cane and to fence the cane fields, the plows and other implements, and the cattle for service on the plantation and to run the sugar-mill if it is made for cattle power.

Under these conditions the sugar is equally divided between the land-owner and the tenant, but the increase in the yield of sugar resulting from the addition of the previous year's molasses is considered to belong solely to the land-owner. This increase is at least 1 pilon in every 8, or about 12½ per cent., and is sometimes said to reach 1 in 5, or about 20 per cent. of the crop. The facility with which a land-owner is able to mystify his tenant under this custom is said to be one of the reasons why it is clung to so tenaciously. It is generally considered an absurd practice, and certainly depreciates the quality and reputation of the Pampanga sugars. The money advanced to the laborer for his support until the harvest is usually charged with interest at the rate of 20 per cent. per annum.

The cost of harvesting the crop for each lot of 9 pilons in a cattle-mill and 10 in a steam-mill is :

2 cutters, at 25 cents per day each	\$0.50
1 cart driver, at 25 cents per day.....	.25
2 mill men, at 25 cents per day each .....	.50
1 cook and assistant .....	.75
1 man to carry away the crushed cane.....	.25
Total.....	2.25

Or, the total cost may be estimated at 25 cents per pylon.

The land-owner pays for the work and the tenant gives three meals a day and cigars *ad libitum* to the workmen. The pilons cost $12\frac{1}{2}$ cents each, and their expense is borne equally by land-owner and tenant. In making up the account the land-owner charges 6 per cent. interest per annum on the value of the land, the mill, sugar pans, etc., and the cook or boiler gets 25 cents for each additional pylon of sugar that results from the mixture of the molasses of last year with the new crop. The owner usually borrows money from the owner of the farderia on account of his crop at a high rate of interest, and the tenant is always in debt to the land-owner, thus forming a chain of debtors from the laborer to the fardero, and sometimes from these to the exporters.

IMPROVED METHODS OF MANUFACTURE.

Notwithstanding the fact that a general lack of energy and desire for improvement are apparent, there are planters who have shown a disposition to depart from prevailing customs and to employ methods and machinery more in harmony with the ideas of the century in which we live. As early as 1879 Sör Don José Fedec y Temprado, in company with his brother Don Ramon, introduced the vacuum-pan and other modern machinery and appliances on the plantation of the latter in South Camarines. This was the first time the vacuum-pan was used in the Philippines for the manufacture of sugar directly from the cane. The product, it is said, could not have been improved, the first sugar selling in Manila at \$8.50 per picul* and the second and third at proportionate prices. The works were constructed under the direction and plans of Mr. Sawyer, and were awarded a silver medal by the Sociedad Economica de Amigos del Pais.

The second vacuum-pan was established on the plantation of the Rosario, belonging to Don Augustin Araulla, in the province of Batangas, and the third on a plantation near the chief town of the same province. These and vacuum-pan sugar works established by Don José Rivera at Vigan, province of Ilocos, are the only ones at present in the archipelago. The total number of steam-mills in use is 239, of cattle-mills 5,920, and of water 35.

* Manila sugar picul = 140 pounds.

An analysis of the Rosario sugar shows—

	Per cent.
Crystallizable sugar.....	99.30
Glucose.....	0.30
Mineral salts.....	0.18
Water.....	0.17
Organic matter.....	0.05
Total.....	100

Among all the analyses of coarse sugars made in 1881 by Wigner and Harland for the exhibition of alimentary substances in the museum of Bethnal Green, London, the highest was the white sugar of Java, which was—

	Per cent.
Crystallizable sugar.....	99.20
Glucose.....	0.20
Mineral salt.....	0.20
Water.....	0.40
Total.....	100

The Batangas sugar also received a bronze medal at the Colonial Exposition at Amsterdam.

But probably the most formidable difficulty that presents itself to the project of manufacturing sugar of a high class extensively is the almost absolute want of capital, as in the entire archipelago there are not more than two or three planters with funds sufficient to afford even small sugar works. It is difficult to obtain loans even at ruinous rates of interest, and it is said that reform and improvement in this direction are opposed by the farderos and money-lenders, who fear that their business might be ruined thereby. The first necessity, therefore, for the masses of sugar-makers is cheap machinery, from which every thing has been eliminated that is not absolutely necessary for the manufacture of sugar of the class desired.

It has been shown that the sugar juices are able to support the heat necessary to produce evaporation in the open air without alteration until it arrives at the density of $27\frac{1}{2}^{\circ}$ Baumé or 50° Balling, or until it has equal quantities of sugar and water. Past this point is where coloration commences and the crystallizable sugar is gradually transformed into glucose or uncrystallizable sugar, and if the action of the heat is prolonged caramel forms. For this reason, and in view of the necessity of economy in the cost, it has been considered advisable not to make the reforms all at once, but to begin where the greater evils exist. For example, the juice might be converted into sirup at 25° Baumé and passed into waiting tanks to be concentrated in vacuo doing without defactors, settling tanks, filters, evaporators, and the other usual apparatus, employing afterward the two indispensables—the vacuum-pan and centrifugals.

In order to appreciate fully the merits of this system, it is necessary to compare the weight of the centrifugal sugar that it produces with the weight of the wet sugar made after the Taal system. As nothing has been changed

in the manufacture until the juice is converted into sirup at 25° Baumé, it is evident that only from this point forward could any loss occur. Experience shows that from a "masse cuite" of, say, 6,000 piculs there may be produced 3,375 piculs of first sugar, leaving 2,625 piculs of molasses with 56 per cent. of sugar, which the second time will give 750 piculs, and the third time 375 piculs, leaving yet 1,500 piculs of molasses. The result would be as follows:

3,375 piculs of No. 1 sugar, at \$8.....	\$27,000
750 piculs of No. 2 sugar, at \$6.....	4,500
375 piculs of No. 3 sugar, at \$5.....	1,875
1,500 piculs of molasses, at \$1.....	1,500
Total.....	34,875

The expense can be estimated as follows:

Interest on \$12,000, the cost of machinery, at 10 per cent.....	\$1,200
Deterioration of property, 10 per cent.....	1,200
Salary of engineer and cook.....	300
Fuel.....	200
10 extra laborers for 100 days.....	250
Materials for the machinery.....	150
Unforeseen expenses.....	500
Total.....	3,800
Produced by the vacuum-pan system.....	34,875
Produced by the Taal system, 6,000 piculs Taal current, at \$2.50.....	15,000
Difference.....	19,875

That there will be a vast improvement in the methods of sugar making in the Philippines within the next few years there can be no doubt. The native does not take readily to improvements, but when he stands by the side of his imperfect old wood or stone sugar-mill, that needs a number of buffaloes to run it, and sees a little steam machine grind out 30 pilons at a cost of 75 cents or a dollar's worth of fuel per day, he can no longer doubt the utility of the latter, particularly when the price of buffaloes is increasing from year to year, owing to the ravages of the cattle plague in some of the provinces.

The natural market for the high sugars would be in Spain, but export dues, high freights, and other expenses prevent much of it from going there. I was shown two bills of lading recently for the same amount of sugar, one lot of which went to Barcelona by a steamer granted a subsidy and special privileges by the Spanish Government, while the other lot went to Liverpool, 1,000 miles further, on an English steamer, yet the freight on the first lot was \$15 a ton, and on the second less than \$8.25. "The mother country," as Spain is called here, evidently does not enjoy special favors in the way of freight rates.

ALEXANDER R. WEBB,
Consul.

UNITED STATES CONSULATE,
Manila, August 16, 1889.

LAND TENURE IN CHINA.

REPORT BY MINISTER DENBY.

I have the honor to send you the following abstract of a very able article on "Tenure of land in China," which was lately read by Dr. George Jamieson before the China branch of the Royal Asiatic Society, at Shanghai. I am induced to do this, not only on account of the intrinsic interest of the subject, but because I have received many inquiries both from persons at home and in China touching the mode of acquiring land. I forward an abstract of the said paper, thereby retaining for Dr. Jamieson the credit due him for his valuable researches, and as being more convenient for home readers:

TENURE OF LAND IN CHINA.

All the arable land of China is held by the cultivators thereof direct from the State, subject only to the imposts of the Government. Exceptions to this rule exist in certain parts of Manchuria, where land is held by Manchu chiefs under grants from the Crown. In China it is generally held that, theoretically, the land belongs to the Crown. In practice this absolute ownership is modified by the great latitude allowed to the people in dealing with land at their will, and by the small land-tax exacted by the Government, which is graduated according to the gross produce. The Crown is the nominal owner of all waste lands, and acquires title to arable lands by escheat, as in other countries. Title may be acquired to such land from the local authorities on agreement to cultivate it. Land once in private hands may be dealt with at pleasure. The private owner sells, mortgages, leases, as in other countries. The land-tax does not ordinarily exceed one-twentieth or one-thirtieth of the gross produce. This slight assessment permits of leasing to tenants at a profit. If these dues are paid, the Crown does not interfere with the possession except on rare occasions.

The special property of the Crown, such as imperial palaces, hunting grounds, beds of navigable rivers, and land used for official purposes, stands on a different footing, and is guarded from trespass as elsewhere. The Government collects by its officials the land-taxes and does not farm them.

MILITARY TENURE.

China repeated almost literally the example of William the Conqueror in parceling out lands to princes and other chieftains after the conquest by the Manchus in 1644. As in the feudal system, there was no power of alienation in the grantees. No rent was received, and the condition of tenure was military service. Generally, the old population was left undisturbed. The new owners did not settle on their properties, but were simply rent receivers. Rents were raised from time to time, and the condition of the tenantry became deplorable. In some cases rents were 0.80 taels per mow (about the sixth of an acre), which would be about 20 shillings an English acre, more than five times the ordinary land-tax. As happened under the feudal system, the rule against alienation was relaxed in recent years, and now Manchus may sell land to Chinamen. There still exists in China certain military tenures, under which land is granted in some parts of China to clans on condition of furnishing transportation for grain or guarding the frontiers.

COMMON TENURE.

Under this tenure land is generally held. The incidents attached to it are three: (1) Payment of land-tax; (2) supplying of statute labor as demanded by the authorities; (3) payment of a fee or fine on alienation.

I. THE LAND TAX.

A poll-tax on all adult males originally existed, but it was incorporated during the reign of Kang Foy (1662-1723) with the land tax. In 1711 a decree fixed the amount of the land-tax. There was no tax on waste or uncultivated land. The amount collected annually varies as new lands are brought under cultivation, but the tax for any particular locality remains unchanged. But owing to extras in the shape of fees being demanded by the officials, the land-owner really pays more than the tax.

The territorial unit for the collection of this tax is the *hsien*, or district. The district magistrate is tax collector, judge, and general administrator. The revenue board fixes the amount that each district shall return. The magistrate is liable for this sum whether he collects it or not. Any surplus collected is his private perquisite. Remissions of taxes are made where great calamities occur. The amount of land-tax realized is computed at 35,000,000 taels, or £8,000,000.

2. STATUTE LABOR.

In practice this condition has fallen into desuetude. The services to be rendered are nowhere defined, but consist in furnishing carts and animals for Government purposes and supplying labor for public works.

3. PAYMENT OF A FEE ON ALIENATION.

Under this head may be discussed transfers of land by sale, transfers by mortgage, succession and inheritance, acquisition of waste lands.

Transfers by sale.—Lands are transferred by deed poll made by the seller and subscribed by him and the middle-men.

The deeds are much like the same instruments in other countries. They contain more recitals than the short form in common use in the United States. The vendor recites that he has offered the land first to his kinsmen. Occasionally there are covenants for title and quiet enjoyment. The middle-men do not guaranty title, but they guaranty that the transaction is made in good faith. There are always two, and sometimes more, middle-men. They receive a small *douceur* or are entertained at a feast.

The seal of the *piepao*, or head man, must be attached to the deed. Then the deed is registered at the office of the district magistrate. The registration fee is nominally 3 per cent. on the amount of the purchase money, but by reason of fees is usually 5 or 6 per cent.

It is the business of the purchaser to register the deed.

To avoid this heavy tax it is common to understate in the deed the purchase price. Sometimes two deeds are made with this view—one being for a small price to be registered, and the other for the real price to be kept by the purchaser. It must be said that these devices are by no means confined to China. When the magistrate returns the deed it has gummed on it a tail, or annex, reciting the transaction, the names of the seller and purchaser, the tything in which the land is situated, the transfer fee, and the amount of annual land-tax. The magistrate's seal is red in color, and the deed is called a "red deed," and is the highest muniment of title. When a foreigner acquires land in China the deeds are similar to those above described, the forms are the same, but the vendor does not sell the land, he leases it in perpetuity. Registration is effected through the consulate, and no fee is charged by the Chinese authorities.

Transfer by mortgage.—A mortgage was originally a conditional deed. The mortgagee took the land and used it. The mortgageor paid no interest, and on repayment of the principal took back his land.

In the seventeenth year of Kien-lung it was enacted that the right of redemption should cease after thirty years, unless a specified time was mentioned in the deed. Transfers of the kind are registered and fees are paid. The transferee pays taxes. Mortgages of land as security for money lent, and to be repaid at a short time, are as nearly as possible like the same instruments in other countries. There is no personal remedy over against the mortgageor unless

such liability arises on a separate contract. Chinese writers cite this fact as peculiar to China, but it exists in all systems of jurisprudence.

Transfers by succession or inheritance.—The universal rule in China is, that on a man's death all his property is equally divided among all his male children, whether born of the proper wife or of a concubine. Male heirs may be adopted if there are no male children. Daughters succeed if the male heirs fail. The succession vests by operation of law, and no fine or succession of duty is payable. The actual division may be made by the parent in his life-time or by will. As long as there is a mother and unmarried sisters to be provided for the family all live together. On a division the eldest son is allowed more than the others, usually a double share, in order to enable him to defray the cost of the family sacrifices.

Acquisition of waste lands.—Waste lands are acquired by simply taking possession and bringing them under cultivation. The first comer makes application to the district magistrate, and after a certain delay gets a title-deed, which is good against all the world. No land-tax is paid on such lands till after a lapse of six or ten years. On best rice lands the tax averages 4 or 5 shillings per English acre, while on poor lands it goes down to sixpence, or even less. Rights of common exist on waste and hilly ground adjoining villages. New land, formed by accretion of alluvial deposit, is deemed Government property. But here also just rules exist by which a riparian proprietor may, on application, secure title to accretions.

LEASES TO TENANTS.

It is supposed that one-half of the arable land of China is tilled by peasant proprietors. The other half is owned by the officials and their families, the literati, and gentry. These people have a certain rank in the literary aristocracy which constitutes the nobles of China, but are not otherwise distinguished from the peasantry. There is no class of hereditary nobles in China. Titles are not associated with territorial possessions, and are invariably for a limited number of lives, or for one life. Hereditary rank descends to the heir in a degree below that of his immediate ancestor, so that in a few generations the noble is merged in the general body of the community. Wealth is also distributed by the leveling rule above stated, or if the family holds together their increase insures that they are generally no better off than their neighbors. In the central and populous parts of China the holdings of families are exceedingly small, often less than an English acre, seldom larger than 4 or 5 acres. Tenancies are usually from year to year on parol agreement. The rent is paid in kind. On the best land it is half the produce, but it diminishes with the pooriness of the land. The minor crops belong to the tenant. If the land tax is remitted, the tenant has the benefit of three-tenths of the remission. The Government tax is paid by the landlord, and the tenant pays no tax.

The houses and all the implements of husbandry belong to the tenant, and may be removed at the expiration of the tenancy. The cultivators, however, mostly live in small villages, which are rented or owned independently of the landlord. From day to day, as population increases, holdings are reduced. The more fertile the soil the more minute the subdivision. It is calculated that one mow will support one individual. On this basis a square mile is capable of supporting a population of 3,840 persons.

CONCLUDING REMARKS.

It must be said that one feels a certain admiration for the legislators who have in their seclusion from the world evolved a system of land tenure so well adapted as the above described to their vast population.

One is impressed also by the general similarity existing between the procedure described as existing in China with those in vogue in western countries. We find again and again similarities to the feudal system and modifications thereof as time and circumstances demanded them for the public good.

The system of taxation seems devised to relieve the poor and throw the burden on the wealthy.

If the test of adaptability to national life and location and customs and habits is to be applied to the laws of the nations of the world, it must be said that China will not rank lowest in jurisprudence.

CHARLES DENBY,
Minister.

UNITED STATES LEGATION,
Peking, August 9, 1889.

TRADE OF ROUEN WITH THE FRENCH COLONIES.

REPORT BY CONSUL WILLIAMS.

TRADE REVIEW.

The past year has been noted by a decided increase in cotton spinning at Rouen, but the same activity did not prevail in weaving. Spinners nevertheless complain of the insufficiency of their profits.

Cotton weavers, especially those who manufactured printed calicoes for the Algerian market, were disappointed in the falling off of the demand from that quarter, which promised early in the season to be large and continuous.

Machine-shops have not been active, after filling a few orders connected with the exposition. These feel the effect of the condition of the public finances, which preclude the possibility of extending public works at the present time.

Distillers must have made money, as they have bought Indian corn, rice, dried currants, and every thing else convertible into spirits to supply the deficiency of Italian wine for mixing with the light French wine and assisting in the manufacture of brandy, and are favored on duties payable in grain for distillation.

The refining of petroleum at Rouen has largely increased, and the advantages of the new petroleum basin have given a new impetus to the trade. The dry-docks have been completed, and can take on vessels from 70 to 100 meters in length.

The improvements of the Seine progress very slowly. The completion of the works of the port of Calais, which were made the subject of a report at the time of their installation, have added much to the commercial importance of that port. The ports of Dieppe and Dunkirk have been much improved, and offer increased facilities for entry and discharge of vessels.

TRADE WITH THE COLONIES.

The different chambers of commerce are often interrogated by the ministers of France concerning questions of general interest, and the views thus obtained greatly influence the policy of the Government. It may prove instructive to Americans to ascertain the views of leading French commercial men

upon topics which are of interest to each and every nation, and upon which no two nations agree, but for which every nation thinks that she could easily frame the right policy for the other to pursue. One would not think, in reading these responses, that landing of American pork or salt would be prohibited, or that a monopoly in tobacco would ever be instituted.

QUESTIONS SUBMITTED TO THE CHAMBER OF COMMERCE OF ROUEN BY THE UNDER SECRETARY OF STATE FOR COLONIES, TOGETHER WITH THE ANSWERS OF THE CHAMBER.

Do you send merchandise to the French colonies?

The trade and commerce of the Norman region has always had close relations with foreign countries, and especially with the French colonies. So long as the imports from France were sufficiently protected against foreign competition we held an active exchange with Algiers, the Antilles, Senegal, Réunion, and also Corsica, placed in a peculiar situation by its tariff. But since the decree of 1886, aggravating the consequences of the treaties of 1860, has permitted our competitors, in more advantageous economical positions, to dispute with us a market which rightfully belongs to our manufactures the importance of the intercourse has diminished to a large extent. The shipping has also been affected, because the outward freight has been wanting.

Could you contest the French colonial market if you were protected in it, and, in case of efficient protection, are your manufactories capable of wholly supplying this market?

The district of the chamber of commerce of Rouen is in condition to fully supply the French colonies with all the material which she manufactures—yarn and various fabrics, machines, clothes, liquors, building materials, etc., and various articles of food. We only need sufficient protection.

What would be the necessary amount of protection?

The general tariff would not be sufficient in most cases. Indeed, the taxes which appeared compensatory at the time of the conclusion of the commercial treaties (and experience has proved that they were not) are now admitted by every body to be inadequate. It concerns us not only to prevent our competitors from obtaining a foot-hold, but to dislodge them from position acquired at our expense, and held by them for years. The effect of a large increase of duties would not be felt at once, for it is impossible to suddenly sunder old commercial ties and establish a new course. Nevertheless the general tariff could be examined in detail, and more or less modified in certain cases.

In what way do the expenses of transportation injuriously affect the goods? Are the lines of communication between France and the colonies sufficient?

The means of transportation are satisfactory as regards the West Indies, insufficient to Senegal, where no regular French service from the Channel or Mediterranean exists. Freights are high to the East, and the service not frequent, and the goods require careful and costly packing. The postal subsidies have a good effect, and leave nothing to be desired in that line. In spite of the great advantage of steam communication it can not do away wholly with the necessity for sailing vessels, which are content with less profit. The greater part of the shipments are carried on by foreign vessels from foreign ports, owing to their frequency of departure and lower rates of freight.

Do you receive the products of the French colonies, and are they quoted higher or lower than similar foreign goods?

Rouen can scarcely export any of its products, and receives but few of the products of the French colonies. Some cargoes of rice from Cochin-China, wine, salt, barley, and rye from Algiers, and rum arrack from the West Indies represent now a trade formerly brisk between our port and Algeria, Senegal, and the Antilles.

Would your trade have any advantage by a protection of the colonial products by the Central Government, and what ought this protection to be?

On principle, the chamber of commerce thinks that the products of the French colonies should be placed as regards their importation upon the same footing as our similar products. If they must, like ourselves, compete with foreign products, they should have protection. It would be impossible, without study and reflection, to designate the amount and mode of applying this protection.

Is capital in excess in your district, and would capitalists be willing to employ it in the colonies?

The inhabitants of this district, intelligent and economical, have means at their disposal which they would willingly employ in the colonies, as formerly, if they could at the present time find the security which they vainly seek.

In short, what are the wants of our industry or commerce in its relations with the French colonies?

Our trade requires that the tariffs of importation of foreign products to the colonies should be sufficiently high so as to assure the preference to their own; that the English, Germans, Belgians, and Americans should not alone profit by the expenditure made and to be made by us in our colonies; that the tariffs should be fixed by a law for a certain length of time, in order that business operations, always long, would not be exposed to sudden modifications of taxes, which would evidently compromise our success. With these guaranties we would quickly regain our former positions. The industries of the neighborhood and the workmen they employ would soon feel the happy effects of the return of the former state of trade, and the colonies themselves, assured of an advantageous opening for their products, would only be too glad to see the change which we ask for.

Is labor in excess in your neighborhood? For which trades? What is the mean price?

Labor is in excess at the present moment on account of the stagnant state of affairs and the stoppage of several establishments. Wages vary with the different trades, 3.50 francs for men and 2 francs for women seems to be the minimum; 5 francs to 5.50 francs for men, and 3.75 francs for women are the highest wages paid. Special workmen gain 6 to 8 francs.

CHAS. P. WILLIAMS,

Consul.

UNITED STATES CONSULATE,

Rouen, October 1, 1889.

Jamaica Exhibition.—Consul Allen, of Kingston, under date of October 25, 1889, advises the Department that arrangements are being made for the holding of an exhibition, to be known as the Jamaica Exhibition, and to be conducted under Government auspices. Although the arrangements are still incomplete, it is the intention of the promoters to open the exhibition early in the winter of 1890. The Colonial Government is now engaged in securing a guaranty fund, and this fund is being generously subscribed to. A large space in the exhibition buildings will be given to exhibits from the United States, and such exhibits will be admitted free of duty. The goods of American manufacture which find a ready sale in that market are canned goods of all varieties, edibles, such as ham, bacon, flour, split peas, salt mackerel, and cheese; crackers, rice, herring and cod-fish, cottage furniture, and tobacco. The consul thinks that the opportunity will prove a good one for exhibiting sugar machinery, such as is manufactured by those of our machine-shops especially interested in this class of work.

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REPORTS

FROM THE

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CONSULS OF THE UNITED STATES.

MORTGAGES IN FOREIGN COUNTRIES.

Nos. 110 AND 111.—NOVEMBER AND DECEMBER, 1889.

ISSUED FROM THE BUREAU OF STATISTICS, DEPARTMENT OF STATE.
ALL REQUESTS FOR THESE REPORTS SHOULD BE AD-
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CONSULAR REPORTS

ON

MORTGAGES IN FOREIGN COUNTRIES.

Nos. no and iii.—NOVEMBER AND DECEMBER, 1889.

MORTGAGE CIRCULAR.

DEPARTMENT OF STATE,

Washington, May 10, 1889.

To the Consuls-General, Consuls, Commercial Agents, and Consular Agents of the United States,

GENTLEMEN: At the annual meeting of the National Board of Trade, held in Boston on the 14th, 15th, and 16th of November, 1888, the following resolution was passed:

Resolved, That the committee on the credit system be instructed to formulate a series of questions as to mortgages, indebtedness, partial payments; limitations of security, and the methods of collection and cancellation of mortgages in foreign countries, to be forwarded to the consuls of the Government, and respectfully request the co-operation of the Department of State.

On the 29th ultimo the chairman of the committee on the credit system transmitted the above resolution to this Department, with the request that the consular officers of the United States be directed to prepare reports in answer to the following interrogatories:

- (1) What systems of recorded indebtedness, such as mortgages on real and chattel property, liens, and judgments, both decreed and confessed, prevail in your consular district?
- (2) Are liens placed on personal property, including crops, either by preference or confession of judgment, and is such property subject to execution of judgment? If so, are there any exemptions?
- (3) What probable ratio do mortgages and judgments bear to total valuation of taxable and assessed property?
- (4) Is it required that all mortgages be recorded?
- (5) What is the prevailing rate of interest on mortgage paper, as well as judgments?
- (6) Do mortgages complicate or embarrass the transfer of land titles?

Nos. 110 and 111—1.

(7) Are mortgages foreclosed by action at law or by sale under power, and at what expense?

(8) Is recorded indebtedness increasing or diminishing in proportion to estimated value?

(9) What provisions are made for partial payments on mortgages, obligations, or judgments, viz: Must partial payments be recorded, and does the debtor lose all benefit if he defaults in part?

(10) What is the ordinary form for canceling?

(11) Is it possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness? If so, how?

You are, accordingly, instructed to answer the above interrogatories at your earliest convenience.

I am, gentlemen, your obedient servant,

WILLIAM F. WHARTON,
Assistant Secretary.

CONTINENT OF EUROPE.

AUSTRIA-HUNGARY.

CREDIT AND MORTGAGE SYSTEM OF AUSTRIA.

*REPORT BY COMMERCIAL AGENT HAWES, OF REICHENBERG.**

GENERAL RIGHTS.

In order to explain and discuss laws relating to mortgages and the practical use of the same, so that one unacquainted with customs here as well as the Austrian legislation may yet inform himself sufficiently on the subject, it is first recommended to consider certain general ideas of rights, as the rights of things and the register of the survey of lands, as well as the difference between the so-called "personal and mortgage debtor," rate of interest, etc.

The general law distinguishes between the rights of persons and the rights of things.

The right of things affects everybody. They must be respected by every one, and a violation of them constitutes an illegal action. Such rights are, for instance, rights in property or a mortgage on any thing.

Claims based on contracts or damages are, however, only personal rights, which can usually only be fulfilled by the debtor, whom also it alone affects. Such rights are, for instance, claims for sales made, claims on an original debtor or the successor of the same for recovering a loan, claim against a bondsman, etc.

In order to execute the intention of the law in regard to rights of things it is necessary that the person so entitled should be able to see everybody who refuses to give him his property or securities, or who tries to injure him in the execution of his rights, even by partial encroaching. Good reasons, however, limit such rights, and in this way is, under certain conditions, the damage of the right of things provided against, especially in cases of good faith and honesty. This causes a new source of rights. It is therefore in the interest of the proprietor, as well as of the third person who intends to obtain property or a mortgage, that the "criteria" of the property and other rights of things be made public (especially is this the case in regard to

*In compliance with the Department's circular of May 10th last, I have the honor to submit this report on the credit and mortgage system of Austria, and in explanation of the delay I would say that I found it impossible to procure the desired information here, and it was only through the courtesy of Herr Ritter von Rilke, a distinguished lawyer in Prague, that I am enabled to furnish this exhaustive report, and which, coming from so reliable a source, must be doubly valuable.

lands), and the most important doubts as to whether a third person acted in good faith or not are rendered impossible.

Such well-founded efforts to secure a certain reliability in business transactions have caused, with regard to real property, the existence of the register of the survey of lands. This has for its object the registration of lands and the rights of things relating to them.

The basis of this register is as follows: Every court has usually for each community a register of the survey of lands. The same is divided in several parts. Each division contains usually one object. Every building or piece of land may be such an object, but all buildings and land belonging to one and the same proprietor are included in one "object," provided that they are not unequally debited or that no other difficulties exist. Every object of the register is considered in its entirety. Rights of things as property or mortgages can therefore only be obtained on a whole object of the register, or in case of partial property on such, but to obtain a mortgage on only a part belonging to the whole is impossible. In such a case the part must be first separated from the whole and made a separate object of the register. It is further not allowed to obtain the right of things in a part of a building, as, for instance, one story of a house. The right of things on real property is considered to be obtained when such is recorded in the public book.

There are exceptions, but only a few, and to consider them would lead us too far.

Any person taking possession of real property takes over all debts upon it recorded in the register of the survey of lands, and the estate is responsible therefor, but the creditor has no right to touch the remaining fortune of the debtor on this account. This shows in general the difference between personal and mortgage debtors. The personal debtor or his legal successors are legally responsible to the extent of their whole fortune in case of an execution.

If a debtor hypothecates his house to cover his liabilities, then he is a personal as well as a mortgage debtor; but in case a third person buys the house, then the latter is only a mortgage debtor. The original debtor is still responsible if other arrangements do not exist. The mortgage-holder is only responsible to the extent of the property. The sale of the mortgage releases him also of this responsibility.

INTEREST.

We have to distinguish according to Austrian law "arranged" and so-called "legal" interests. The latter begin *ipso jure* without special arrangements from the day fixed as due, or in cases where no day has been fixed with the day of the notice. Concerning the arranged rate of interest, it should be stated that the same may differ, as demanding higher interest only does not constitute usury.

The following may be stated as a general rule: The interest for credits on mortgages are, if the same are secure enough, 4 to 4½ per cent.

Claims not offering a good security pay a higher rate of interest (5, 6, and 7 per cent. or more). For personal credits and credits on personal

property and effects a higher rate of interest is often arranged. Pawnbrokers with a license and similar loan offices charge sometimes 10 to 12 per cent. interest.

The interest is usually paid every three or six months (this being at least the case where giving credits is a business). It occurs often that the interest is deducted as soon as the loan is made.

If a conversion of a mortgage claim takes place, *i. e.*, if a higher rate of interest be reduced to a lower one, then the law allows certain favors with regard to fees. In this case a bank, being under public administration, intervenes. The rate of legal interest is 5 per cent., for claims in trade 6 per cent.

*Compound interest can only be charged under special arrangement, or when suing for a debt only from the day of the notice.

RATIO OF MORTGAGES TO TOTAL VALUATION.

Personal property and land are considered mortgageable for two-thirds of their value. Houses, however, are not considered surety for more than one-half of their value. For personal property in a strict sense there exists no general rule as to the estimation of its value. The amount advanced on securities is based upon values fixed by the Bourse. The amount advanced on securities, for instance, on deeds of "mortgage banks," is exceptionally high, reaching three-fourths of their value. The value of land is fixed by multiplying its clear annual profit by twenty. This profit is fixed by the authorities. The value of houses is estimated by taking the average rent received during the last six years and multiplying this amount by twenty. After having given this general introduction we will endeavor to discuss the mortgage system as the law prescribes it in Austria.

MORTGAGES.

Meaning of a mortgage.—The mortgage is the right of things which is given to the creditor in order to secure him in case a debt is not paid when due. The mortgage may be taken on real as well as personal property; the latter also includes claims and other rights as long as they do not refer to real personal work.

Kinds of mortgages.—These are (1) voluntary mortgages, (2) judicial or executive mortgages, (3) legal mortgages. (It must be remarked that the word "legal" has here quite a special meaning.)

The voluntary mortgage is obtained by transferring from the debtor, or another person in his stead, personal property by actual or symbolical transfers, real property by recording the mortgage in the register of the survey of lands. For this purpose it is necessary that an explicit legalized consent is given either on the note, on the other papers, or in a separate notice, in order that the mortgage may be recorded.

The document must show the cause of the claim; for instance, whether it results from a loan, bills of exchange, or assignment. Bills of exchange

and assignments can not, even with the consent of the debtor, be secured by voluntary mortgage. The law allows this only in cases of executive mortgage. The principal rules governing mortgages will be discussed further.

It must be remarked that a debtor is not obliged to give the creditor a security before a judgment has been obtained. Creditors on assets, however, have a little more power.

A creditor in business has a certain right of retention on personal property and securities which have been transferred to him with the consent of the debtor. The creditor can, after the suit has commenced, and also in matters relating to bills of exchange, in some cases get from the court a provisional security on real and personal property, which has effect from that day.

Meaning and effect of the voluntary mortgage.—Such a mortgage has for its object the better security of a creditor, and at the same time it gives him the right to pay himself before the other creditors.

The creditor has no right to dispose, without further ceremony, of the mortgaged property before the claim is due, or even afterwards. There exist arrangements between the creditor and debtor which stipulate that the creditor is legally not allowed to sell the mortgaged property in case the debtor does not meet his engagements. The creditor is further not allowed the usufruct of the mortgaged property. An exception is naturally made when security in cash is given, for instance, to secure rent contracts. In such cases a settlement between the two parties takes place.

The creditor has only the right to sue the debtor in case of non-payment, and after securing judgment he may ask the court to change the voluntary mortgage into an executive one. The latter will be treated with regard to its age and rank as if dated from the time the voluntary mortgage was given.

As the above shows that the creditor, according to the civil law, can only claim his money through the court in case the debtor refuses to pay, and, further, as the transfer of personal property causes considerable trouble to the proprietor, it seems that the institution of the voluntary mortgage would have developed itself only inconsiderably if it were not for the law of 1862, which broke the strict rules of the civil law in many respects, and further, if various banks did not grant certain privileges.

It is necessary to discuss here the idea and the enforcement of the so-called commercial hypothecation (pawn). It is supposed that a commercial hypothecation results among merchants from a business transaction.

The creditor has in such cases, where the engagements are not met, and provided that a written agreement between the creditors exists, the right to ask the court to take the necessary steps to sell the property without a suit being brought against the debtor. There are some cases where the creditor has even the right to sell without the permission of the court; such is the case where securities quoted in the exchange are hypothecated.

Those paragraphs of the commercial law which relate to commission houses, forwarding agencies, and freight business contain special provisions.

A commission house has, as long as the goods are in its hands, a claim on them on account of the expenses incurred and paid by it. Similar rights are granted to forwarding agents and freighters. The law also contains favorable provision with regard to the enforcement of claims (*pfandrecht*), also to savings-banks, mortgage-banks, and other institutions of credit. The voluntary mortgage of certain classes of people given to pawnbroker shops has a special meaning. These institutions fix themselves the value of personal property brought to them, amounting, usually, to two-thirds of the estimated value, and make a loan to the proprietor for a certain period. After this time the pawn must be redeemed, and the interest, which is generally high, must be paid, or steps must be taken to prolong the loan. In case the debtor fails to attend to the matter, the institution has the right to sell the goods without judicial interference and pay itself.

With regard to obtaining a voluntary mortgage, it may be added that the actual transfer of personal property perfects the transaction, and the moment of the transfer fixes the order of the mortgage. Because personal property may be mortgaged totally or successively to several persons and secures, in this case, first the primary mortgagee (according to an agreement between the debtor and the later creditors), who looks out (so far as his rights allow) for the mortgaged property in the name of the latter. Such a duty for the first creditor is indeed an actual tradition. In case securities payable to order are hypothecated, then the transaction is perfected by proper indorsement.

A special kind of hypothecation exists in regard to goods in public warehouses. The administration of such a warehouse issues warrants to the depositor, which are made to order. If such a warrant has been indorsed with the intention to hypothecate the same, and has been delivered to the creditor, then, also, the goods are of course hypothecated to him. To hypothecate certain rights or private claims an oral or written contract will be sufficient. A mortgage may be made upon a mortgage, and this is called an after-mortgage or submortgage. In this case the first debtor can not pay his debt to the first mortgagee without the consent or security of the submortgagee. A mortgage on real property can be obtained by recording the same in the register of the survey of lands, for which a request must be made to the court accompanied by the necessary deeds. The order of the mortgage depends upon the time of the request that it shall be recorded by the court, therefore the number of the petition decides as to its precedence. The complete execution of the recording in the register is of great importance, and decides that the petition was granted and the legal existence of the mortgage. For this reason banks usually expect proof by a judicial statement of a perfected transaction before paying over the cash. In case of a transfer of a mortgage it retains its precedence (*rangordnung*). Interest recorded with the claim will have the same priority as the principal, provided it is due for a period not longer than three years.

The expenses of a law suit regarding a claim enjoy the same right, also in cases where they are not recorded. All mortgages are required to be recorded, as mentioned before. The register of the survey of lands gives, therefore, information as to all the claims against an estate, whatever their amount. A submortgage must also be so recorded. A buyer of an estate, therefore, on account of the accuracy of the said register, can not claim that he had no knowledge of its encumbrance. He assumes with the purchase all claims on the land. The said register must also show the payment of the whole amount, as well as partial payments. The debtor who fails to record such payments will, however, have the benefit of them. It is therefore possible that the register may show mortgages already paid; it does not show, consequently, the actual indebtedness, but the highest amount possible to be due.

Transfer of a mortgage.—The mortgagee has the right at any time to transfer a mortgage to a third person. The transfer of a mortgage on personal property may simply be done orally and by handing over the respective papers. If a mortgage on real property is intended to be transferred, then a certificate must be produced, in which is stated that the mortgage may be transferred to the new creditor. Quite a special kind of claims, also secured by real property, of which the transfer is very simple, are

Mortgage deeds (pfandbriefe).—The law grants to certain banks the right to give credits in the form of mortgage deeds. Such a bank in Bohemia, for instance, is the Hypothekenbank, which has been established by the Government under guaranty. All loans made by such a bank on real property are not made in cash, but by issuing their own deeds (*pfandbriefe*). The whole amount of such deeds in circulation must not exceed the amount of the actual loans. The rate of interest of mortgage deeds is from 4 to 5 per cent., and is equal to the interest on the mortgage for which the deeds have been issued. Every year it is determined by chance what proportion of the deeds must be cashed. The Government is responsible for the claims of deed-holders according to the statutes. As the deeds are dealt in "on 'change," and offer excellent investment for orphans' money, etc., the holder of such a deed can at any time sell his claim on the bank, the latter being guarantied by the Government. Deeds of trust made to order are sold by indorsement; when made out to bearer they are sold by mere delivery.

Expiration of a mortgage.—A mortgage expires by waiving on the part of the creditor of his claims, the destruction of the property, or by the payment of the debt. In the latter case the mortgage must be canceled in the register. In case this is not done, then the claim continues legal in spite of the payment. The force of the register of surveys is shown by the fact that a debtor can not refuse payment in case a third person buys a mortgage of a dishonest creditor which has already been paid but not registered. The debtor's recourse then is against the first creditor. If it is not in all cases necessary, as mentioned above, to cancel the mortgage on account of full or partial payments, it is nevertheless advisable to record them in the register in order to

prevent the formal continuance of the mortgage and the possibility of a dishonest transfer.

Canceling a mortgage.—The ordinary form for canceling a mortgage in the register of surveys is as follows: If both parties agree that a debt is paid, then the creditor delivers to the debtor simply a legalized receipt, with the definite declaration that the mortgage may be canceled for the whole or partial amount. Armed with such a receipt the debtor may apply to the court for the cancellation of the mortgage recorded in the register. In case a dispute between the parties has arisen in regard to the cancellation of a mortgage, then this can be done only after a decision of the court in favor of the debtor. The request for a record, transfer, or cancellation of a mortgage must always be accompanied by the original documents. After the necessary entries are made in the register the same will be indorsed on the original document, which is returned to the applicant. Before leaving the subject of voluntary mortgages it would seem to be of importance to refer to the

Simultaneous (simultan) mortgage.—It has already been stated that the property of a person may be entered in several divisions of the register of surveys. In case, then, a person desires to mortgage his whole property on account of a debt, then the mortgage must, first of all, be entered in all the divisions of the register; but one of these divisions will constitute the principal record and the other entries will be secondary. All changes regarding the mortgage, with the exception of the whole or partial cancellation, will then only be entered in the principal division, such as, for instance, a transfer or a submortgage. For this reason it is of importance that a person desiring to buy property or to obtain a mortgage entered in one of the secondary divisions, not only to look over the latter, but also to study the principal division; the secondary divisions show where the principal division is to be found. We have now discussed the most important details of the voluntary mortgage, and we will now pass to the second kind of mortgage.

The judicial or executive mortgage.—This is caused by the interference of the court. We must distinguish with regard to executive mortgages between cases where a creditor has already received a certain equivalent and cases where a creditor has received no security at all. The latter refer to simple personal loans. Let us first consider the latter. In case a debtor does not pay the creditor may sue him. The suit may be settled by a so-called "executive compact," or, in case of implacable differences between the parties, by a judgment. Should the debtor not pay within the time fixed by the compact or judgment (which does not exceed a period longer than fourteen days from the notice), then the creditor may apply to the court, in accordance with the judgment or compact, for the execution. The proceedings of an execution are divided into the following steps: (1) The executive seizure; (2) the executive valuation; (3) the executive auction, to which may be added (4) the division of the net proceeds. With regard to the latter there exists only a few differences between the treatment of real and personal property, and therefore we may consider them together.

The legal mortgage (gesetzliche hypotheke).—This is a mortgage granted to certain especially privileged claims, and it may be obtained without applying for judgment or seizure. This mortgage right is especially of importance in regard to real property, as the house and ground taxes, together with the additional taxes charged by the community which may be due longer than three years, must be paid *ipso jure* before all private claims. As such taxes, or rather the mortgage on the same, are not recorded in the register of surveys, every person about purchasing property should demand first the tax receipts. The more important banks compel mortgageors every year to prove the payment of taxes and other dues in order to prevent an unexpected execution. In case of an execution sale of an estate there will always be first considered the unpaid taxes.

In regard to personal property in general such rights do not exist, and there is only one case where they may be executed. The lessor of a house or piece of land has, on account of unpaid rents, *ipso jure* a mortgage without process on all personal property brought by the debtor to the house, and further upon the *fundus instructus* belonging to the lessee; but the furniture or the tools (*fundus instructus*) must still be on the farm at the time the matter is brought before the court. The mortgage or claim is valid, however, from the moment the furniture or tools are brought to the house or farm.

Treatment of a mortgage in case of bankruptcy.—A mortgage in case of failure is treated as if no failure had taken place. The mortgagee will first be paid; if the proceeds be sufficient, the excess will go to the bankrupt's estate. The expenses caused by the sale in case of a failure are a part of the general expenses. In case a mortgage debtor, being also a personal debtor of the mortgagee, fails, then the mortgagee has recourse against the bankrupt estate for the balance of his claim which remains from the proceeds of the sale.

PROPERTY EXECUTIONS.

The execution regarding personal property.—There is, first of all, a law of great importance, which says: The creditor may apply for an execution of the whole personal property of the debtor, and not only for certain objects, inasmuch as the same does not include objects which the law exempts from execution. The first and second steps are, in regard to an execution on personal property, combined. In case the court grants the executive seizure and valuation, an officer of the court appears in the residence or office of the debtor and declares the necessary personal property to be seized, taking down at the same time the evidence. This document shows also the estimated value.

Should a part or all of the personal property be already seized on account of a previous claim, a declaration is made in the existing document (*protokoll*) that the new creditor may join the previous one. The precedence depends upon the date of the act of seizure and not upon the date of the application to the court.

The first step of the execution of personal property allows the creditor to apply for a locking up or transfer of the seized property. It may, however, with the consent of the creditor, remain in the use of the debtor. This is usually done.

In case the seized goods do not show the seizure by means of a seal or tickets, etc., then it might happen that the debtor should sell the same to a third person acting in good faith. In this case the debtor is liable to be punished.

If the claim be not paid after seizure, the creditor may apply for a sale. The court fixes in such a case two days for the auction, and on the second day the property will be sold even under the estimated value. In case no purchaser appears or no bid is made the auction may be repeated. All creditors must be informed of the day of the sale. The proceeds will be placed in the custody of the court. Every creditor has, of course, irrespective of his priority, the right to apply for an auction after having been granted seizure and valuation.

Execution of real property.—Here the first and second steps are separated. The first (seizure) allows the creditor to apply, on account of the judgment or judicial compact, for an executive mortgage for his claim, and in case such is granted the same is recorded in the register of surveys. In case the claim is not paid even after the mortgage has been recorded the creditor may apply for an executive valuation of the property, which is done by a commission consisting of officers of the court and several sworn experts. After this is done and the creditor is still without his money he may apply for an auction, at the same time handing the court so-called "conditions of sale"; these the court may accept, change, or return for complete modification. There are then also two days fixed by the court for the auction, which are made known to the public by notices (edict). The rules regarding the auction are nearly the same as those relating to the execution of personal property. The purchaser must, however, give security (usually one-tenth of the amount of the valuation). It may further be stated in the conditions of the sale that the purchaser shall pay over the amount to the creditors, and that he shall prove within a certain time the payment or any other arrangement with the creditors.

To the law regarding the sale of real property have lately been added several very important points.

First, the higher bid (*überbot*). If the amount bid does not reach one-third of the valuation of the property, it may be withdrawn. The higher bid must be made to the court within fourteen days, in writing, and must exceed the former bid one-fifth; one-fifth of the sum must also be deposited with the court. In case the court accept the new bid a new auction will be held, and if no higher bid is made the property will be sold to the bidder. A second *überbot* is excluded.

According to the new execution law the sentenced debtor may apply to the court for a declaration of invalidation of the auction; but only in cases

where the proceeds amount to less than two-thirds of the estimated value. He must also prove that such a sale would accomplish his financial ruin. Such an application, however, is limited in regard to time. The declaration of invalidation is good for one year, and it is impossible to secure a new auction during this period. If the auction be valid, the purchaser may apply for seizure; entry as proprietor follows later on.

DISTRIBUTION OF THE PROCEEDS.

After the court has declared the validation of the sale a day is fixed by the same before which the creditors shall be paid their claims with interest. The court decides in regard to the payment in accordance with the documents proving the claims and their priority. Creditors who get nothing or consider themselves unjustly treated may object to the judicial decision. The sentenced debtor or the other creditors may also bring suit against the creditor whom they consider excessively favored. The legal distribution of the proceeds of real property is entered in the register of surveys, and the mortgages of the creditors who received nothing are also canceled. If the debtor was also a personal debtor, then the creditors have recourse against his remaining fortune.

The above seems to sufficiently explain the execution law where no voluntary mortgage existed. The act of execution on account of a voluntary mortgage differs from the above only in regard to certain formalities in the application for the suit and the procurement of the first step of the execution. The suit must refer not only to the payment, but also to the recognition of the existing mortgage.

The creditor may, as mentioned above, apply for an execution upon a legal judgment or compact. The creditor must, however, in this case apply to have the existing voluntary mortgage changed into a judicial or executive one. The executive mortgage has, in such a case, nearly the same effect as the one already referred to. The only important difference is that the priority (*rangordnung*) is the same as if the executive mortgage had existed at the time of the voluntary mortgage.

The above facts show that the creditor stands usually second to those mortgagees who have procured an executive mortgage during the continuance of his suit. The form of procuring an executive mortgage is only an unimportant one. It is of greater importance that the creditor, in case of an existing voluntary mortgage on real property, should note immediately in the register of surveys the suit against the debtor; as in case the debtor sells the mortgaged property before the suit is finished, and in case the creditor failed to note the suit in the register, the purchaser takes over the property only with the recorded debts. The creditor can in such a case only carry out his favorable judgment on the remaining fortune of the debtor, but he can not touch the new proprietor without bringing suit against him.

With regard to the further course of the execution, it may be stated that the same conforms to the rules already mentioned. Before closing the sub-

ject it may be remarked that the various provisions of other authorities and the judgment given in the right form by an arbitrator have the same effect as judgments of a court or compacts.

NOTARIAL ACTS.

A notarial act regarding a claim which contains a definite arrangement between two parties that in case the debtor does not pay in due time the creditor may apply for an execution without first bringing suit, is legal, *i. e.*, the creditor may apply for an immediate execution. Although this lawful provision seems to be in favor of the creditor, the institution is not a favored one. The reason is the obvious dislike of the person seeking a loan to such energetic procedures; others object to it on account of the great expense connected with it.

In addition to the above I may briefly mention that an execution on claims of a debtor, which, as explained, are treated like personal property, may likewise take place in the same way as the execution of personal property, *i. e.*, by seizing or by an executive transfer.

An executive transfer takes place where a debtor refuses to give his consent to cede his claim on a third person, and in such a case the creditor petitions the court to act as transferrer. The party upon whom the debtor has a claim will then be informed by the court that payment should be made to the creditor instead of the executed debtor. The creditor has then to claim payment from his new debtor in the usual way.

It has already been stated that the right of a mortgagee based on a voluntary mortgage refers only to the property, and does not extend to the usufruct thereof. A mortgagee has also no right to apply for usufruct in case of an executive mortgage, and he can only recover his claim by a sale.

In order that a debtor be not entirely deprived of his property, and in order that the creditor may be satisfied from the usufruct of the debtor's fortune, the law prescribes a special kind of execution, the so-called

SEQUESTRATION.

In case a creditor desires to attach the income derived by the debtor from a certain source—for instance, a crop or the income from a business transaction—he must, after judgment has been given, apply to the court for a sequestration. The sequestration is a forcible process of the court, through which the administration of an estate is withdrawn from the proprietor and transferred by the court to another person, called the sequestrator. The sequestrator cashes the proceeds of the transaction or the crop, deducts his expenses, and pays first the interest on the various claims according to their priority, and in case a balance remains he pays it to the sequestrating creditor. The sequestration of real property must be recorded in the register of surveys. The sequestrator is obliged to give the creditor a statement of affairs. Another important matter in connection with sequestration is exemption and limitation.

EXEMPTION AND LIMITATION.

It would lead us too far to mention all the exemptions from execution based upon the various laws and regulations, so we will only consider the more important ones. All those things absolutely necessary for a person or his business, as bedding, linen, house or kitchen utensils, necessary food for the family, etc., are exempt from seizure. The creditor is further limited in regard to the cession or seizure of salaries of public or private employes or wages. In such cases execution can only apply to sums which exceed the so-called "minimum exempt from execution."

Notarial or other bonds (cash deposits) of public officials can not be seized for private claims.

JOHN B. HAWES,

Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,

Reichenberg, October 10, 1889.

AUSTRIA-HUNGARY.

REPORT BY CONSUL-GENERAL GOLDSCHMIDT, OF VIENNA.

RECORDED INDEBTEDNESS.

Under the system of laws in force in the Empire of Austria record books of real estate are kept in every judicial circuit. They are open to public inspection, and every parcel of real estate situate in the respective district is entered and particularly described therein. The name of the owner is also entered and several pages left blank for the purpose of noting all claims and liens against the property. Claims against the owner of any real estate may be made a lien upon the latter, either by agreement with the debtor, and by virtue of a written confession of indebtedness executed by the debtor, or by virtue of a judicial decree or judgment.

The entry of such claims or liens in the record books is subject to certain formalities and conditions. An entry of a confession of indebtedness is not made unless a notarial acknowledgement of the signature of the debtor is attached to the confession.

The system or practice of recorded liens upon personal property does not prevail in the Empire of Austria. A debtor may pledge his personal property to his creditor to secure the payment of a debt, but this pledge is only of legal effect if the creditor takes possession of the personal property thus pledged, or provided the debtor, in case he retains the property thus pledged in his own possession, attaches to the same some patent, sign, or notice informing third parties that the property in question is pledged.

A record of liens upon personal property is only made in case of the levy of an execution upon personal property, when an inventory of the property levied upon is made by the officer serving the writ, which inventory is filed in the court from which the execution issued. This execution lien is of full force and effect against third parties. Other creditors who may obtain

judgments against the same defendant in execution may have their liens entered upon the invoice returned by the officer who served the original execution. This inventory, however, is not open to the inspection of the public, so that third parties have no notice whatever, and can not ascertain whether or not certain personal property is subject to an execution lien.

The plaintiff in execution who procures the first service of the writ has priority of lien. A priority of lien against these execution creditors can only be claimed by the State for taxes and fees. Mechanics' liens, having precedence over other liens, are not recognized under the laws of this Empire. Mechanics, architects, etc., who have contributed labor to the erection of a house enjoy no priority of lien. They must obtain judgment like any other creditor, and are subject to the same rules as other creditors as regards liens on personal property.

Another process of obtaining liens on personal property consists in the prevailing practice of garnishing the salary or wages due the debtor, and this garnishee process may be served and enforced either against private employers or against the State or a municipality or other public authority who has employed the debtor. These garnishees are held to deduct the amount of the judgment in garnishee from the salary of the defendant in execution and pay the same over to the plaintiff.

The following personal property is exempt from levy and execution under the laws of this Empire, viz: All articles used for religious service, all sacred relics, the necessary wearing apparel for the debtor and his family and servants, the necessary beds, bedding, linen, and house as well as kitchen utensils. Which and how many of these articles are considered necessary is left entirely to the judgment and discretion of the officer serving the execution and to the court issuing the writ. A more liberal exemption law, exempting more property, and particularly describing the same and fixing its value, has recently been introduced in the Reichstag.

The exemption extends also to provisions and fuel for two weeks; a farmer may claim exemption of one milch cow, or three goats, or three sheep, with fodder and bedding for two weeks; public officers, teachers, and physicians may retain as exempt their professional books and instruments required to carry on their business or profession and decent clothing; an apothecary the necessary tools, and implements, and drugs; the necessary school and prayer books of a family are also exempt, also the wedding ring of the debtor, letters, manuscripts, and family pictures and decorations; finally all salaries of public or private employes not exceeding the sum of 800 florins per annum are exempt, the excess over 800 florins may be levied upon or garnished if these employes are permanently employed. Wages of day laborers and others who may be dismissed on fourteen days' notice can not be levied upon. Pensions can only be levied upon if they exceed 500 florins per annum.

RATIO OF MORTGAGES TO TOTAL VALUATIONS.

This question can not possibly be answered fully and satisfactorily, for the reason that no statistical reports exist, or have ever been attempted, for

the purpose of ascertaining and fixing this ratio. In order to obtain the precise figures it would be necessary to examine every real estate record book and every court record and sheriff's return in the Empire, and, as I have already stated, the court officers and the returns of the court officers serving writs of execution are not open to public inspection. To fix a ratio, therefore, would be mere guess-work. If an attempt should be made in the direction indicated, the Austrian authorities would undoubtedly decline to furnish any information on the subject, and impede the investigation at every step.

It can only be stated generally that loans upon buildings do not usually exceed one-half of the appraised value, and upon agricultural lands two-thirds of the appraised value, if the loan is obtained from investment companies. Private capitalists, however, frequently invest in improved city real estate, and accept liens covering from three-fourths to four-fifths of the appraised value of the property mortgaged.

There can be no doubt, if the frequent discussions upon this point in legislative and municipal bodies are to be relied upon, that the real property, and especially the agricultural lands of this Empire are very heavily encumbered by mortgages. As to improved city property, except where this property is held by very wealthy owners, it may be safely assumed that it is encumbered up to one-half of its appraised value.

MORTGAGE RECORD.

All mortgages are required to be entered of record; without such record the claims represented by the mortgage are no lien upon the real estate of the mortgageor.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgage liens upon real estate do not, as a general proposition, complicate or embarrass the transfer of land titles. On the contrary, parties who erect buildings on speculation and for the purpose of selling same find that these sales are facilitated if the buildings are encumbered by mortgages, because the purchaser needs only to pay the excess over and above the encumbrance.

Many small capitalists are anxious to purchase improved real estate, hoping to be able to discharge the mortgaged debt gradually out of the rental, an object which can be easily accomplished, because most of the investment companies accept small annual installments in payment of the lien.

INCREASE OR DECREASE OF MORTGAGES.

There can be no doubt that the recorded indebtedness on real estate in this Empire is constantly increasing, especially on agricultural lands. This fact is in a great measure attributed to the successful competition of American grain growers in the European markets. The notoriously low and inadequate wages of farm laborers in this Empire are a direct consequence of the same premises.

UNRECORDED INDEBTEDNESS.

Under the existing system it is positively impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness. This conclusion will be quite apparent, even on a cursory examination of the facts heretofore stated.

If any one should undertake the herculean task of compiling the sums of all the recorded real estate mortgage indebtedness in this Empire out of the numerous record books in use in the numerous judicial districts, he might furnish the sum total recorded, but not the sum total still due, as partial payments, heretofore stated, are not entered of record. The results arrived at would therefore be utterly unreliable, and not in accordance with the real facts.

As to the indebtedness secured by pledge of personal property, or by execution lien upon personal property, or unsecured, it is totally out of the question to furnish any data whatever, and it follows as a logical consequence that the estimate of even a probable proportion of existing recorded and unrecorded indebtedness in this Empire would be an utterly fruitless and useless attempt.

The latter part of question No. 11, viz, "If so, how?" can only be answered by saying that no manner or mode of calculation is within the limits of human accomplishment, unless every subject of the Austrian Empire should be willing to undergo an examination as to his assets and liabilities and the mode and manner in which he secured the payment of his demands. To state this proposition is to answer it.

The chairman of the committee on the credit system of the National Board of Trade will, I think, receive the same answer to his last question in every country to which his investigation may extend. Even in the United States, where statistics have reached a high point of development, he will in vain search for correct data of unrecorded indebtedness. There are certain things quite beyond the reach of the most searching and energetic investigation. A guess is all that can be made.

LIENS.

Growing crops are not subject to execution as personal property, for the reason that crops, while growing, are regarded as part of the realty. As soon, however, as the crops are harvested they become personal property, and are subject to execution as such in the same manner as all other personal property.

INTEREST.

The prevailing rate of interest on mortgages is 5 per cent. per annum, but large investment companies have accepted, during the last four or five years, as low a rate as 4 to $4\frac{1}{2}$ per cent. per annum.

German capitalists especially have recently made investments in improved real estate situate in Vienna at the rate of 4 per cent. per annum.

The rate of interest on judgments is 5 per cent. Open accounts or commercial accounts bear 6 per cent. interest from day of maturity.

FORECLOSURES.

Mortgages are foreclosed on the motion of the mortgagee by judicial decree and forced sale. A public forced sale can only be ordered after judgment has been obtained upon the secured debt and execution issued, and after appraisement of the realty by an officer of the court and two several notices of public sale. On the day fixed by the first notice the encumbered property can not be sold for less than the appraised value, but on the day fixed by the second notice the property can be sold to the highest bidder, even below the estimated value. All creditors who have a lien upon real estate thus sold must have notice of these public sales.

The proceeds of such sale are applied as follows: First, in payment of all taxes and fees due the State, and then to pay all mortgagees according to the priority of lien. Mortgagees whose claims remain unsatisfied retain their claims as personal demands against the mortgageor. The costs and expenses of such foreclosure are, as the Austrians view this question, quite large, though much below our court costs and costs of proceeding in similar cases. The costs of obtaining judgment are about five-eighths of 1 per cent. of the amount of judgment. Aside from these costs, and without calculating the costs of the stamps required on the several documents connected with the process of foreclosure, or the tax imposed on all transfers of real estate, it may be estimated that the total costs of foreclosure of a realty in Vienna amount to about 120 to 150 florins (\$48 to \$60).

PARTIAL PAYMENTS.

The provisions made for partial payments on mortgages, obligations, and judgments are confined to the express conditions contained in said indenture and agreed upon between the parties. Partial payment of an indebtedness secured by mortgage, if accepted by the mortgagee, is not entered of record. Such an entry would carry considerable costs, and is consequently avoided, and the debtor has to content himself with the creditor's receipt for part payment. The creditor may agree to enter a partial satisfaction of record when several installments have been paid, but generally no satisfaction is entered of record until the whole debt has been discharged. A judgment creditor is not held to accept part payment of his judgment. As a rule, the total indebtedness secured by all obligations wherein provisions for payment in installments is made becomes due and payable whenever default is made in the payment of interest or any one installment, and the debtor loses all benefit which would have accrued to him in case of prompt payment.

CANCELLATIONS.

The ordinary form for canceling a recorded indebtedness consists of the entry or recording in the real estate record book or judgment record, respectively, of a satisfaction declaration executed by the creditor and duly acknowledged before an S. R. notary, and ordered to be entered by the courts of the respective districts.

CONCLUSION.

In conclusion, I desire to state that as to mortgages, their record, satisfaction of judgment, and execution, liens, etc., the same practice prevails in the Kingdom of Hungary as in the Empire of Austria. Under the dualism characterizing the political relations of these countries the same laws and practice have been adopted for both, although Austria and Hungary are independent of each other in the administration of these laws. In other words, the monarchy of Austria-Hungary is ruled by the same system of laws, though each separate country has its own home government.

JULIUS GOLDSCHMIDT,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Vienna, October 16, 1889.

REICHENBURG.

REPORT BY COMMERCIAL AGENT HAWES.

EXPLANATORY.

The relations between the various subjects of the Department's circular being so intimate, and the Austrian law differing in so many particulars from that of the United States, I have found it necessary, in order to convey an intelligent idea of the subject, to preface my answer to the various questions by a description of the system of credits and mortgages in Austria-Hungary.* I have now the honor to submit my answers, referring for their elaboration to the various heads under which the subject is treated in detail.

RECORDED INDEBTEDNESS.

The laws of the Austro-Hungarian monarchy are in force in this district. The law in Austria recognizes mortgages on real property and on personal property. These may be given voluntarily by a debtor or may result from a judicial order. There is also a mortgage (lien) arising without action on account of unpaid taxes, dues, or privileged private claims. I found it quite impossible to procure information concerning the ratio of mortgages to total valuation. All mortgages must be recorded in the register of the survey of lands, which is open to public inspection. Mortgages do certainly complicate and embarrass the sale and transfer of land titles, as the purchaser is legally responsible for all mortgages recorded in the register of survey of lands. It is especially difficult to divide an object (property) recorded in the register. For this purpose a new division must be opened for the separated part, in which all mortgages already entered in the old division must be recorded as simultaneous mortgages. Sometimes it is necessary that the consent of the creditors be obtained before it be done.

* See report on credit and mortgage system of Austria, page 389.

LIENS.

A crop is not a real object of hypothecation so long as it is standing, but as soon as separated from the ground it may be seized like any other personal property. It is, however, possible to obtain an execution by the so-called sequestration on an annual crop or on crops for a series of years, and in such cases the crop may still be standing. Such a sequestration can only be obtained through a judgment of the court. Exemptions from the effect of a claim arise from the care exercised by the law over the debtor. They have been elsewhere fully considered. The usual rate of interest on mortgages or for claims which are sued for is 4, 5 or 6 per cent. per annum. Poorer security pays not more than 4 or 5 per cent. Claims in trade pay 6 per cent., and claims without security still more. The rate of interest is not limited by law.

PARTIAL PAYMENTS.

Partial payments or other claims need not be recorded, and the debtor will have the benefit of them with the following exception: A third person who obtains a mortgage from a creditor acts in good faith and buys the claim as it is recorded in the register. It is nevertheless advisable to record partial payments as well as the canceling of the mortgage.

CANCELLATION.

The legal form for canceling a mortgage is by a proper entry in the register based upon receipts, judgments, or any other judicial orders.

JOHN B. HAWES,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Reichenburg, October 10, 1889.

BELGIUM.

REPORT BY CONSUL ROOSEVELT, OF BRUSSELS.

RECORDED INDEBTEDNESS.

There are offices in the different districts of the Kingdom called conservation des hypothèques, in which all documents or instruments of writing executed between living persons giving a claim or title on real estate must be recorded or transcribed in a register kept for that purpose, in the district in which the property is situated, all decreed judgments passing for titles.

Agreements for the transmission of these titles, instruments of writing renouncing these titles, leases for a period exceeding nine years or containing receipt for at least three years' rent must also be recorded in the same office. Confessed judgments and instruments of writing acknowledged before a tribunal or court of justice or before a notary are also permitted to be transcribed or recorded.

As taxes in Belgium are not assessed on the value of the real estate, but on the revenue cadastral, I can not give the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed values, but give below three tables, from which the proportion of mortgages to the taxable revenue can be seen.

Loans made to farmers by the Crédit Agricole.

Districts.	Loans made.					
	Before 1888.		During 1888.		Total.	
	No. of loans.	Amount of loans.	No. of loans.	Amount of loans.	No. of loans.	Amount of loans.
		<i>Francs.</i>		<i>Francs.</i>		<i>Francs.</i>
Genappe.....	76	433,950	46	374,600	122	808,550
Thuin.....	31	458,500	1	19,000	32	477,500
Vielvaux.....	13	15,500	4	11,000	17	26,500
Total.....	120	907,950	51	404,600	171	1,312,550

Districts.	Payments made.			Total amount due December 31, 1888.
	Before 1888.	During 1888.	Total.	
	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	
Genappe.....	16,956. 12	39,505. 56	56,461. 68	752,088. 32
Thuin.....	14,715. 00	149,779. 46	164,494. 46	313,005. 54
Vielvaux.....	1,800. 00	6,150. 00	7,950. 00	18,550. 00
Total.....	33,471. 12	195,435. 02	228,906. 14	1,083,643. 86

Value of sold and inherited real estate and of the inscription of mortgages.

Description.	1840.	1855.	1860.	1865.
Tax on inheritances:	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Collateral line.....	49,272,000	80,802,000	81,555,000	103,490,000
Between parents and children.....	4,895,000	7,027,000	5,897,000	7,648,000
Tax on mutations of real estate:				
Direct line.....		121,483,000	111,634,000	150,789,000
Between parents and children.....		2,627,000	3,511,000	4,237,000
Mutations through death in foreign countries:				
In direct line.....	3,740,000	5,071,000	5,284,000	2,098,000
In collateral line.....	1,480,000	5,448,000	1,911,000	1,928,000
Total.....	59,387,000	222,458,000	209,792,000	270,190,000
Value of the mutations of real estate:				
Sold.....	141,263,000	171,149,000	178,048,000	210,188,000
Given.....			10,318,000	12,142,000
Value of the inscriptions of mortgages.....	73,994,000	59,863,000	84,977,000	84,362,000

Value of sold and inherited real estate and of the inscription of mortgages—Continued.

Description.	1870.	1875.	1880.	1882.
Tax on inheritances :	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Collateral line	118,749,000	136,399,000	159,979,000	198,587,000
Between parents and children	11,881,000	12,776,000	11,409,000	16,509,000
Tax on mutations of real estate :				
Direct line	198,735,000	217,162,000	218,248,000	223,075,000
Between parents and children	6,758,000	5,490,000	6,739,000	6,466,000
Mutations through death in foreign countries :				
In direct line	8,523,000	7,304,000	7,792,000	8,682,000
In collateral line	2,271,000	3,567,000	3,878,000	4,073,000
Total	346,917,000	383,098,000	408,045,000	397,332,000
Value of the mutations of real estate :				
Sold	224,776,000	238,771,000	294,983,000	285,710,000
Given	26,619,000	26,435,000	27,950,000	26,395,000
Value of the inscriptions of mortgages	109,996,000	211,512,000	199,531,000	212,867,000

Description.	1883.	1884.	1885.	1886.
Tax on inheritances :	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Collateral line	126,485,000	154,592,000	152,178,000	150,673,000
Between parents and children	14,477,000	14,005,000	15,889,000	13,595,000
Tax on mutations of real estate :				
Direct line	194,599,000	192,469,000	190,416,000	196,815,000
Between parents and children	5,897,000	8,006,000	8,087,000	6,661,000
Mutations through death in foreign countries :				
In direct line	8,653,000	3,907,000	7,908,000	7,399,000
In collateral line	4,456,000	1,662,000	4,159,000	1,699,000
Total	354,567,000	374,641,000	378,637,000	376,752,000
Value of the mutations of real estate :				
Sold	260,467,000	242,304,000	240,290,000	248,192,000
Given	23,689,000	22,760,000	24,683,000	24,345,000
Value of the inscriptions of mortgages	211,891,000	202,837,000	200,066,000	206,367,000

Taxable revenue of real estate.

Provinces.	1850.			1860.		
	Land.	Buildings.	Total.	Land.	Buildings.	Total.
	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Antwerp	7,444,000	6,223,000	13,667,000	7,527,000	6,780,000	14,307,000
Brabant	17,910,000	11,638,000	29,548,000	17,876,000	13,227,000	31,103,000
Flanders :						
West	17,851,000	6,238,000	24,089,000	17,841,000	6,475,000	24,316,000
East	18,429,000	8,362,000	26,791,000	18,406,000	8,927,000	27,333,000
Hainaut	20,321,000	6,908,000	27,229,000	20,306,000	7,498,000	27,804,000
Liege	10,459,000	5,366,000	15,825,000	10,436,000	6,120,000	16,556,000
Limbourg	5,799,000	1,179,000	6,978,000	5,797,000	1,298,000	7,095,000
Luxembourg	4,651,000	1,012,000	5,663,000	4,690,000	1,076,000	5,766,000
Namur	7,945,000	2,123,000	10,068,000	7,960,000	2,345,000	10,305,000
Total	110,809,000	49,049,000	159,858,000	110,839,000	53,746,000	164,585,000

Taxable revenue of real estate—Continued.

Provinces.	1870.			1880.		
	Land.	Buildings.	Total.	Land.	Buildings.	Total.
	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Antwerp.....	11,995,000	12,812,000	24,807,000	11,950,000	12,174,000	30,124,000
Brabant.....	31,602,000	25,813,000	57,415,000	31,500,000	38,309,000	69,809,000
Flanders:						
West.....	25,299,000	9,423,000	34,722,000	25,345,000	12,008,000	37,353,000
East.....	27,919,000	12,915,000	40,834,000	27,872,000	16,214,000	44,086,000
Hainaut.....	37,797,000	15,971,000	53,768,000	37,692,000	21,984,000	59,676,000
Liege.....	19,901,000	12,468,000	32,369,000	19,839,000	17,699,000	37,538,000
Limbourg.....	10,534,000	2,072,000	12,606,000	10,519,000	2,424,000	12,943,000
Luxembourg.....	7,497,000	1,728,000	9,225,000	7,481,000	2,071,000	9,552,000
Namur.....	15,881,000	4,581,000	20,462,000	15,912,000	5,755,000	21,667,000
Total.....	188,425,000	97,783,000	286,208,000	188,110,000	134,638,000	322,748,000

Provinces.	1887.			1888.		
	Land.	Buildings.	Total.	Land.	Buildings.	Total.
	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Antwerp.....	11,904,000	21,872,000	33,776,000	11,898,000	22,348,000	34,246,000
Brabant.....	31,379,000	44,109,000	75,488,000	31,371,000	44,715,000	76,086,000
Flanders:						
West.....	25,241,000	13,245,000	38,486,000	25,237,000	13,406,000	38,643,000
East.....	27,735,000	18,017,000	45,752,000	27,730,000	12,287,000	40,017,000
Hainaut.....	37,454,000	24,573,000	62,027,000	37,452,000	24,843,000	62,295,000
Liege.....	19,769,000	20,421,000	40,190,000	19,738,000	20,663,000	40,401,000
Limbourg.....	10,490,000	2,644,000	13,134,000	10,489,000	2,667,000	13,156,000
Luxembourg.....	7,484,000	2,279,000	9,763,000	7,482,000	2,304,000	9,786,000
Namur.....	15,820,000	6,611,000	22,431,000	15,816,000	6,679,000	22,495,000
Total.....	187,276,000	153,771,000	341,047,000	187,233,000	155,912,000	343,145,000

As will be seen from the foregoing tables, the total amount of the mortgages in the Kingdom recorded in 1886 was 206,367,000 francs, whilst the total amount of taxable revenue from real estate was in 1887 (I can not obtain statistics for 1886) 341,047,000 francs.

All mortgages are required to be recorded in the office of the conservation des hypothèques.

I am informed that recorded indebtedness is increasing in Belgium.

From inquiries, I believe it impossible to arrive at a probable proportion of existing indebtedness.

Mortgages do not complicate or embarrass the transfer of land titles.

LIENS.

Liens are placed on personal property, including crops, both by preference and confession of judgment, and such property is subject to execution of judgment.

The following are the privileged creditors:

(1) Expenses incurred in a court of justice for the common interest of the creditors and taxes due the Government.

(2) The landlord or proprietor has the preference on the crops of the year and on the furniture in the house for the rent due him. He can also attach the furniture of his tenants, if removed from his house without his consent, and he retains this privilege upon the furniture for forty days if the furniture is removed from a farm, and for fifteen days if removed from a house.

(3) Funeral expenses in proportion to the fortune of the deceased.

(4) The expenses incurred during the last sickness (for one year previous to death).

(5) Wages due the servants for the year expired, and what is due them for the current year. Salaries due clerks for six months and wages due laborers for one month.

(6) All debts incurred for the subsistence of the debts during six months. The periods indicated above are those preceding death, the relinquishment or the attachment of the property.

The following personal property is exempt from execution:

(1) The necessary beds for the debtor, his wife and children living with him, and the clothing they have on their bodies.

(2) Professional books of the debtor, not exceeding the sum of 300 francs.

(3) Instruments and machinery used for teaching, for the practice of science or arts, not to exceed 300 francs, and at the choice of the debtor.

(4) Military equipments, according to the rank of the debtor.

(5) Tools of trade necessary to the occupation of the debtor.

(6) Flour and provisions necessary for the consumption of the family of the debtor for one month.

For farmers: One cow, or three lambs, or two goats, at the choice of the debtor, with straw, hay, and grain necessary for their bedding and feeding for one month.

INTEREST.

The average rate of interest is from 4 to 5 per cent.

FORECLOSURES.

Mortgages are foreclosed by action at law; the expenses vary so much that it is impossible to fix the exact amount.

PARTIAL PAYMENTS.

Partial payments can only be made with the consent of the creditor, and must be recorded. Should the debtor default in part he does not lose the payments made, and can only be executed for the amount actually due, with the interest stipulated in the mortgage, obligation, or judgment.

CANCELLATIONS.

The ordinary form of canceling a mortgage is by an instrument of writing, executed by the debtor and creditor before a notary and in the presence of two witnesses. The debtor there pays the amount of the mortgage to the creditor, and the notary then and there draws up a document stating the

facts, which document is signed by the creditor, debtor, witnesses, and notary. This document is then recorded in the office of the conservation des hypothèques, in the district where the mortgaged property is situated, and the conservateur des hypothèques then issues a certificate canceling the mortgage.

GEO. W. ROOSEVELT,
Consul.

UNITED STATES CONSULATE,
Brussels, August 27, 1889.

BELGIUM.

REPORT BY VICE-CONSUL VERHULST, OF GHENT.

RECORDED INDEBTEDNESS.

According to Belgian law, mortgage on real property is the only system of recorded indebtedness. There are no statistics to be had as to the probable ratio which mortgages and judgments bear to the total valuation of taxable and assessed property.

Mortgages do not complicate the transfer of land titles, because they are public. Any one wishing to buy property which is supposed to be mortgaged may obtain from the registrar of mortgages (*conservateur des hypothèques*), upon payment of a fee of 1 franc, a list of the recorded mortgages upon the same. Should the property be mortgaged the purchaser pays the amount of the recorded claims into the hands of the creditors, who thereupon give him full discharge before the drawing up of the deed of sale. It sometimes happens that the vendor delegates the value to the recorded creditors in the deed of sale, they giving him receipt thereof and full discharge. In other cases the purchaser takes upon himself the debts with which the property is encumbered in part payment of the purchase money.

All mortgages must be recorded. The public notary who has recorded the mortgage deed must register the same within twenty days of its date in the registry of his district, after which date he will be required to pay a double fee. After having undergone the formality of registration the mortgages must be rendered public by entry in the register kept by the registrar of mortgages.

In Belgium recorded indebtedness in proportion to estimated values may be said to be stationary, for although there are some financial establishments founded for mortgage loans, they are not numerous and of relatively small importance. It is, moreover, difficult to get at any correct or exact statistics, because loans are issued which are repayable by annuities, and these repayments are not ordinarily registered in the register of mortgages. It would very often be found, upon the above basis, that the registered credits were much superior in proportion to estimated values.

LIENS.

Liens are only placed on personal property, including crops, and that by preference. Should the debtor, however, make any opposition to the execution a judgment is necessary to confirm the validity of the distraint. There are no exemptions.

FORECLOSURES.

Mortgages may be foreclosed by sale under power when it is stipulated in the agreement that, upon the default of the debtor to fulfill his engagements, the preferred creditor has the power to sell his lien by public auction, without judgment, if he be the first mortgagee, and if this stipulation has been rendered public through registration. It must always be preceded by an order to pay the sum due within thirty days. If more than six months are allowed to lapse between the summons and the sale, the mortgagee will then be obliged to serve a second summons to pay. If, however, the above clause be not placed in the mortgage deed, the foreclosure is by action at law, that is, a judgment preceded by two summonses to pay authorizes the creditor to sell.

PARTIAL PAYMENTS.

No mortgagee is obliged to receive partial payments on mortgages without special stipulation being made therefor in the mortgage deed. By receiving such partial payments the mortgagee consents to the registration of a reduction of the mortgage, which is equivalent to a partial canceling, made either on the mortgaged property or on the debt. The debtor does not, therefore, lose all benefit if he defaults in part, as all notarial acts, including reductions and canceling, must be registered.

CANCELLATIONS.

The ordinary form for canceling consists of a marginal note made by the registrar in his register, certifying that this entry is canceled by a judgment or a replevin consented to by the creditor. There are two sorts of canceling—voluntary and obligatory. Voluntary canceling must be consented to by the interested party, that is, the creditor, his heirs or assigns. Obligatory canceling is that which is decreed by a judgment, in the following cases, upon the demand of any interested party against the mortgagee: (1) When the registration has been made without foundation, either on law or on title; (2) when it has been contracted by virtue of an irregular title, either extinct or settled; (3) when the privileges or mortgages are expunged in a legal manner, viz, by prescription or by the paying off of the mortgage.

GEORGE VERHULST,
Vice-Consul.

UNITED STATES CONSULATE,
Ghent, July 27, 1889.

DENMARK.

REPORT BY CONSUL RYDER, OF COPENHAGEN.

RECORDED INDEBTEDNESS.

The Danish law admits of mortgages on chattel property, but only when such objects are duly and distinctly specified. Practically, however, this institution has little importance, and it may be said, as a rule, that the Danish law admits only of recorded mortgage on real estate. The law admits of no other privileges beyond that of legal taxes to take precedence of this security. Neither married women, for the amounts of their dowry property, nor minors have any legal privilege or standing to the same effect.

RATIO OF MORTGAGES TO TOTAL VALUATION.

It is impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness. I do not think it would be possible, and am confirmed in these views by parties well informed on such subjects, who are also of the opinion that nothing approaching to reliable data could be obtained regarding these proportions, and that it would only be matter of mere guess-work of a misleading and useless character. The mortgage encumbrances on landed real estate in the period of 1870 to 1884 amounted to an average of 41 per cent. of its selling value, whilst the mortgages on Copenhagen house property a few years back amounted to 93 per cent. of the buildings' insurance valuations, which is estimated to be equivalent to about 70 per cent. of the property's collective value (that is to say, of buildings and ground). According to law, loans on mortgage made with moneys belonging to the State, or to public institutions, or being the property of minors, as a rule should not exceed one-half of the taxed valuation of the real estate.

MORTGAGE COMPLICATIONS OF TITLE TRANSFERS.

As to the complication of the transfer of real estate on account of mortgages, the law is that wherever it has not been stipulated that the creditor shall be bound in case of sale to accept the purchaser as his debtor it will be necessary that a mutual agreement should be entered into by the contracting parties, and in all cases where the mortgages should exceed the value of the estate no sale is allowed to take place except by action at law.

INCREASE OR DECREASE OF MORTGAGES.

Looking one hundred years back, landed property in Denmark was encumbered with mortgage indebtedness to about the same extent as in the present day, namely of about 40 per cent. of its taxed value. In the period from 1808 to 1828 these encumbrances would appear to have been largely reduced; when again from 1830 the amounts of loans on mortgage were considerably increased, although not in the same proportion to the advance that

took place at the same time in the value of all landed property, so that in point of fact encumbrances were then reduced in their ratio to the value of the land. But after the year 1850 these encumbrances have, on the other hand, been increasing at a greater ratio than the taxed value, so that the old proportions of 40 per cent. of the value was encumbered with mortgage debt. And in the course of the last five or six years, whilst the value of landed property has been on the decline, the encumbrances have been somewhat increasing, so that the present indebtedness may be said to be greater in proportion to value than at any previous time. In this capital the mortgage encumbrance on house property one hundred years back was about 60 per cent. of the insurance valuation, whilst now it is over 90 per cent., which is fully confirmed by the published returns of late years. Thus in 1876 the mortgage loans on the house property of the capital were estimated at 78 per cent. of the insurance valuation, and in the year 1886 at 92 per cent.

LIENS.

A privilege or lien on personal property is accorded to the landlord for the amount of his rent, and to the servant for his wages. As a rule, all property is subject to execution of judgment. The creditor of the landlord can make execution on the rent due by the lodger. There are nevertheless some exemptions, that is to say, certain items of indebtedness can not be subjected to execution. This would, however, be dependent upon their bearings in relation to the numerous clauses in the Danish law of bankruptcy.

INTEREST.

The ordinary rate of interest on mortgages on real estate is 4 per cent. per annum. The rate, however, may be higher when the mortgage may rank as second or third lien on the property, and in such cases where the security is not good the rate of interest may be of 5 per cent., or even as high as 6 per cent. per annum. The ordinary interest for judgments is 5 per cent. per annum, but when more than 4 per cent. has been agreed upon by the parties interested the interest on judgment in such cases will be 1 per cent. above the stipulated rate, and may thus reach as high as 7 per cent.

FORECLOSURES.

When the estate is sold by action at law in the legally prescribed manner the buyer has only to pay the amount of the purchase money without any other expenses, and the amount of mortgage encumbrances remaining in excess of the purchase money are foreclosed.

PARTIAL PAYMENTS.

It is not requisite that partial payments should be recorded, but it is requisite that an acquittance for the partial payment should be indorsed on the original deed or obligation, or at least that mention should be duly made in writing on such document that such partial payment has been made.

When this has been neglected the buyer of the obligation, having thus been kept in ignorance of the partial payment, retains his full claim for the whole amount of the obligation, notwithstanding the partial payment made to the original owner, and the debtor will have to sustain the loss through his default in part in neglecting to assure himself that the act of payment had been duly indorsed on the document.

HENRY B. RYDER,
Consul.

UNITED STATES CONSULATE,
Copenhagen, June 28, 1889.

FRANCE.

REPORT BY CONSUL-GENERAL RATHBONE, OF PARIS.

INTRODUCTORY — PRIVILEGES AND MORTGAGES.

It should be stated preliminarily that under the laws of France all the property of a debtor, real or personal, present or future, without distinction, is the common security of his creditors, subject to be distributed among them proportionately, unless there exist lawful causes of preference among the creditors. The lawful causes of preference are classified under the heads of privileges and mortgages (*hypothèques*).

Privilege results from the character of the claim itself, and, unlike mortgages, which affect only real property, constitutes, according to its nature, a lien on either real or personal property, or both. Privilege includes what is known as *nantissement*, or pledges, in the forms of gage, or pledge of personal property, and *antichrese*, or pledge of real property. The characteristic feature of the pledge is that the property pledged passes into the possession of the pledgee.

Privilege exists as a lien independently of record, and while it does not fall within the purview of the following questions, is too important to be passed over without summary statement, as it takes precedence even of prior mortgages.

There are three classes of privileges:

(1) General privileges on all realty and personalty of debtor, but payable first out of personalty: (*a*) Legal costs, (*b*) funeral expenses, (*c*) expenses of last illness, (*d*) wages of servants, (*e*) claim for necessities supplied to debtor or his family. They need not be further noticed here, as they are exempt from record.

(2) Special privilege on specific personalty: (*a*) Landlord's lien on furniture or farm implements, (*b*) pledgee's lien on goods pledged, (*c*) lien of bailee on chattel for expenses incurred in its preservation, (*d*) vendor's lien on goods still in possession of debtor, (*e*) innkeeper's lien, (*f*) common carrier's lien, (*g*) Government lien on security furnished by public functionary.

(3) Special privileges on specific realty: (a) Vendor's lien, (b) lien of co-heirs or persons entitled on partition of an estate, (c) lien of architects, contractors, and mechanics. The privileges specified in this class (3), while existing independently of record, must still be recorded as against third parties in certain cases, *e. g.*, vendor's lien within forty-five days after the property is again sold by his vendee; architects', contractors', and mechanics' lien before deed of sale by debtor is recorded.

RECORDED INDEBTEDNESS.

There is practically but one system of recorded indebtedness existing in France, that of record at the mortgage office or "bureau de conservation des hypothèques," established in each arrondissement, and in practice it is only there that search of title is made to ascertain freedom from encumbrances. Even judgments constitute no lien until there recorded. Mortgages on chattel property are unknown, and the gage or pledge which most resembles it is not a matter of record. Confessed judgments are also unknown, although there exists a proceeding somewhat analogous, little used in practice. No arrears of taxes and assessments are allowed, the property being promptly sold in case of any default. The only indebtedness, therefore, which is properly the subject of record is that which falls under the head either of special privileges on specific realty, treated above, or of mortgages, treated further on.

The creditor recording his claim must produce at the bureau des hypothèques the original or a certified copy of the judgment, deed, or contract on which his claim is based, and likewise a memorandum in duplicate indicating his name in full, address, and occupation, and an elected domicile within the arrondissement of the office, the date and nature of his claim, the amount thereof and when due, and the description of the property to be charged. These details are entered by the recording officer on the register, and one copy of the memorandum is returned to the creditor with a certificate at foot to the effect that the record has been made. Such record is valid for ten years from the date thereof, when it must be renewed. Priority among mortgages of record is reckoned from the day but not the hour of record. Fractions of a day are ignored, and no mortgage has priority over another recorded on the same day, except the special legal mortgages in favor of married women, minors, and lunatics, specified further on. It will be remembered that the special privileges on realty which are recorded, as well as the other privileges not susceptible of record, take precedence even over mortgages of prior record.

Hypothèques, or mortgages, are of three kinds: (1) *Hypothèques légales*, statutory; (2) *hypothèques judiciaires*, judicial; (3) *hypothèques conventionnelles*, contractual.

(1) Statutory mortgages are—

(a) That of the married woman on the realty of her husband to secure the re-imbursement of her marriage portion.

(b) That of minors or lunatics on the realty of their guardians or committees as security for good administration of their property.

(c) That of the State on the realty of tax collectors and public accountants.

(d) That of legatees on realty of the estate to secure payment of their legacies.

(e) That of privileged creditors who have failed to preserve their privilege on realty by record within the prescribed time after sale thereof by their debtor.

Of these, the legal mortgages of married women, minors, and lunatics (a) and (b) are not recorded, exist independently of record, date from the marriage or appointment of guardian or committee, respectively, and affect all realty whether then owned or subsequently acquired.

(2) The judicial mortgage is that resulting from the recording at the bureau above specified of a judgment. Foreign judgments may also be thus recorded if rendered executory in France by order of a French court.

(3) The contractual mortgage is a mortgage in the American sense. It is a deed which must be executed before a notary, and may contain any agreement of the parties not in violation of the law.

With the exceptions above specified in favor of married women, minors, and lunatics, all mortgages must be recorded and take rank as liens only upon record.

Generally speaking, mortgages do not complicate or embarrass the transfer of land titles. There exists in France an admirable system for clearing the title on the occasion of each transfer, which is known as the purge. The procedure as to mortgages of record is for the purchaser to serve formal notice on the mortgagees of record that he has purchased for a specified price, which he is ready to pay, and that they have forty days in which to purchase for a higher price. On expiration of that period, without exercise by them of that option, he applies the amount of the purchase money to paying them off in order of priority and the balance to the vendor, or, if the mortgages exceed the purchase price, he applies it in the proportion directed by the court, which can then direct that the mortgages be discharged of record, or satisfaction pieces to the same effect may be executed by the mortgagees.

The procedure as to mortgages not of record is somewhat similar. A copy of the contract of sale is deposited in court and served on the district attorney, and the beneficiary (wife, or under-guardian of minor, or lunatic) with notice, which is also made by publication, to record the mortgage within two months. If recorded within that period, procedure is as above; if not, the title passes without cloud.

A peculiar feature is that the purchaser can always elect to have an existing mortgage paid off, even though for an unexpired term of years, unless there are very express provisions to the contrary in the mortgage itself.

The existence of a mortgage held by the *Crédit Foncier* is generally regarded as facilitating transfer. This is the only institution in France authorized to loan on real estate for long terms with repayments by annual

installments of both principal and interest, and is rapidly absorbing the entire body of contract liens on land in France. The Crédit Foncier mortgages can be paid off at any time, but purchasers usually elect to take subject thereto.

Recorded mortgage indebtedness (*dette hypothécaire*) increased from 1840 to 1878 seven milliards of francs. Such result does not appear to be due to an augmentation in the number of mortgage investments, as people prefer generally now to invest money in business or in industrial enterprises, but to an increase in the value of real estate and in the amount of fiscal charges and taxation.

The mortgage indebtedness on the 31st of December, 1876, amounted to fourteen milliards of francs.

Several French economists give the following approximative estimates of the value of real estate, built and not built, in France, viz: For the year 1840, forty milliards; for the year 1878, one hundred and thirty milliards.

UNRECORDED INDEBTEDNESS.

There must be very little unrecorded indebtedness regarding mortgage on real property, inasmuch as the contract in that case has always to be made before a notary and registered in the proper Government office (*bureau de hypothèques*).

LIENS.

Chattel mortgages and confession of judgment do not exist, and the only form of preference has been indicated in the preamble to this report. Crops, so long as they are on the premises, are subject to landlord's lien for rent. Personal property is subject to execution of judgment only after levy.

The exemptions from levy and execution are specified in article 392 of the code of civil procedure, and are as follows:

- (1) Personal property which the law declares real by destination.
- (2) Necessary bedding and clothing of judgment debtor and his wife and children living with him.
- (3) Professional library to the value of 300 francs.
- (4) Machines and implements used in teaching or practicing sciences or arts to the value of 300 francs.
- (5) Military equipment.
- (6) Tools of artisan necessary for his personal use.
- (7) Flour and provisions for debtor and family for one month.
- (8) One cow, three sheep, or two goats, at choice of debtor, with food and bedding therefor for one month.

INTEREST.

The prevailing rate of interest is determined by the commercial or non-commercial character of the parties, or of the transaction which is the subject of the mortgage or judgment. In the former case it is 6 and in the latter

5 per cent. per annum. There exists in France a distinct system of legislation for traders and commercial affairs.

FORECLOSURES.

Judiciary mortgages or judgments are foreclosed by virtue of the executory clause in the judgment, directing all sheriffs and ministers of justice, and, if need be, the military force of the Government, to assist the creditor in the collection and execution of his judgment, the writ of execution in France being embodied in the original of the judgment itself.

Contractual mortgages are foreclosed by virtue of the same clause, which notaries are empowered to insert in instruments executed before them, such as leases, mortgages, etc. All mortgages of this class must be executed before a notary. No power from the mortgageor in the instrument or action at law for foreclosure is necessary.

The expense is heavy. No general rule can be laid down, but as examples, foreclosures on realty worth 10,000 francs would cost over 20 per cent. of its value (including Government taxes on transfers), and on realty worth 100,000 francs from 10 to 12 per cent., or in some cases even 15 per cent., the percentage of expense decreasing as the value of property is increased.

PARTIAL PAYMENTS.

There are no provisions for partial payments in the absence of agreement between creditor and debtor. Such agreements are common, and if partial payment is accepted the creditor must execute a satisfaction piece or *mainlevée* of a proportionate part of the lien, which is then recorded on the margin of the record of the lien. The parties can expressly agree to forfeiture of past payments in case of default in any partial payment, but such agreements are rare and strictly construed.

CANCELLATIONS.

A mortgage can not be discharged of record, except upon deposit at the bureau of a duly certified copy of a satisfaction piece executed before a notary by the mortgagee of record, or of a judgment of a competent court directing such discharge. The cancellation is effected by an entry made by the recording officer on the margin of the original record, specifying the instrument produced to obtain discharge and declaring that the lien is thenceforth discharged of record.

J. L. RATHBONE,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Paris, June 21, 1889.

Nos. 110 and 111—3.

FRANCE.

REPORT BY CONSUL DUF AIS, OF HAVRE.

RECORDED INDEBTEDNESS.

In France there exist three kinds of mortgages viz: Legal, that is to say, established by law in favor of married women against their husbands, of minor children against their guardians; conventional (*conventionnelles*), by virtue of notarial acts; and judicial (*judiciaires*), by virtue of judgments rendered at the suits of creditors against reluctant debtors.

It is believed that the real amount of mortgages is about 10 per cent. of the total value of real estate.

To be of value conventional and judicial mortgages must be recorded. The legal mortgages only may remain obscure (*occulte*), but when it comes to be satisfied it has to be registered, or it becomes null and void.

Territorial credit is hampered by the expense and delay of the present system. Land in France is only a pledge; it is not yet an instrument (authentic deed) of credit.

All hypothecary engagements are registered. During the last ten years it is estimated that there have been fifteen hypothecary in every hundred ordinary engagements.

LIENS.

Credit is personal. If a mortgage given on a special piece of property does not insure the payment of the debt, the debtor is liable for all his other property, even furniture. In this case, however, judicial steps have to be taken, and numerous privileges have the preference over the first mortgage.

INTEREST.

The rate of interest on mortgages on real estate varies from 4 to 5 per cent.

FORECLOSURES.

Mortgages expire by preemption of ten years, or by notarial consent of the creditor, or by judicial order. The costs vary according to circumstances.

PARTIAL PAYMENTS.

Partial payments, mentioned or not mentioned on the entry or inscription, diminish the original debt by that amount.

CONCELLATIONS.

All the creditors of the person are summoned by the sheriff, and as to legal mortgages notices are given in the papers; this entails much loss of time and expense, and is one of the needed reforms.

ACKNOWLEDGMENT.

For the foregoing information I am indebted to the very obliging registrar of mortgages at Havre, Mr. de Saint Genis, an acknowledged authority on landed credit, member of the Société d'Économie Politique and de la

Société de Statistique, of Paris, laureate of the Institute of France, whose letters addressed to me I beg to inclose with the respective translations.

Mr. de Saint Genis feels a great interest in the labors of the Boston meeting. As member of the committee on organization of the Paris conference to be held on August the 8th next he proposes to make the motion on that occasion of which he handed me a copy now inclosed. He also presented me, for the Department, his last work on the proposed reformation of the French laws on mortgages, which I have forwarded.

As a supplementary answer to the questions addressed to me, I beg to transmit a translation of the law on mortgages from a hand-book published by Durand de Nancy.

F. F. DUFAIS,
Consul.

UNITED STATES CONSULATE,
Havre, June 12, 1889.

[Inclosure 1 in Consul Dufais's report.]

PRIVILEGES, PREFERRED DEBTS, AND MORTGAGES.

[Durand de Nancy, Droit usual.]

PRIVILEGES (SECURED DEBTS).

SECTION I. General rules.

The privilege is a right which the standing of a creditor gives him by preference to other, even mortgage, creditors.

Privileges may be on personal or on real estate; privileges on personal estate attach to the entire personalty or on a given part of it.

SEC. 2. Privileges on the entire personalty.

Privileged claims on the total personalty are those mentioned hereafter, and come in the following order:

- (1) Judicial costs.
- (2) Funeral expenses.
- (3) Any expenses caused by the last illness in competition with others to whom they may be due.
- (4) Wages of servants for the past and those for the current year.
- (5) Subsistence furnished to the debtor and to his family for the six months passed by retailers, such as bakers, butchers, and others, and for the year passed by boarding-house keepers and wholesale dealers.

SEC. 3. Privileges on certain personalty.

Privileged claims on certain personalty are—

- (1) Rents of realty on the crops of the current year and the cost of all movables furnishing a rented house or farm and of every thing necessary for the running of a farm, namely, for all that is due or becoming due if the lease is authenticated (registered) or being by private contract of a specified date, and in both cases the other creditors have the right to underlet the house or farm for the unexpired term and to make their profit on the lease, provided, however, that payment is made to the proprietor of any arrears of rent which may be due to the owner; if there is no authenticated lease, or if the private lease has no specified date for twelve months from the expiration of the current year. The same privilege attaches for repairs or for any thing connected with the execution of the lease. Nevertheless money due for sowing and expenses made for the crops of the current year is to be paid out of the proceeds

of the crop, as well as the cost of utensils in preference to the proprietor in either case. The proprietor may seize the furniture if it has been removed without his consent, and he retains his lien upon it, provided he has put in his claim, to wit, on the stock of movables the farm is furnished with, within a delay of forty days, and within a fortnight as regards furniture of a house.

(2) The mortgage owned by a creditor.

(3) The costs for the preservation of the property.

(4) The cost of unpaid furniture still in possession of the debtor, whether purchased on time or not; if the furniture has been purchased without a given credit, the seller has a claim even against a purchaser, and he can prevent the resale, provided the claim is made within a week and the goods be in the same condition they were delivered in; the privilege of the seller, however, is subordinate to that of the proprietor of the house or farm, unless it can be satisfactorily proved that the proprietor was cognizant of the fact that the furniture and other goods supplied to the house or farm did not belong to the tenant.

(5) The supplies furnished by a hotel-keeper to a traveler on his luggage.

(6) Freight and accessory charges on goods delivered.

(7) Claims arising from abuse and prevarications committed by public functionaries in the exercise of their functions on their securities and interest which may have accrued thereon. (Code Napoleon, 2102.)

SEC. 4. Privileges on real estate.

Privileged creditors on real estate are—

(1) The seller of realty for the purchase money if there be several successive sales for which either the whole or a part remains unpaid; the first seller has the preference over the second, the second over the third, and so on.

(2) Those who have furnished the money (*deniers*) for the purchase of realty, provided it be authentically proved by the lender that the money was advanced for this purpose, and by the receipt of the seller that this payment was made out of this borrowed money.

(3) The co-heirs on inherited real estate for the guaranty of the proper division to be made between them, and for the settlement or reversion of their portion.

(4) Architects, contractors, masons, and other mechanics employed for building, rebuilding, or repairing houses, drains, or any other work, provided, however, that an expert appointed by the tribunal of first instance, in whose district the property is situated, prove by a preliminary verbal process (*procès verbal*) the actual condition of the work the proprietor declares it to be his intention to construct, and that the works have been accepted by a similar duly appointed expert within at least six months after they have been finished. The amount of such privileged claim, however, can not exceed the cost established by the second verbal process, and is reduced to the increase of value existing at the time of the sale (*aliénation*) of the realty and resulting from the work done upon it.

(5) Those who have lent money for the payment or re-imbursement of laborers or mechanics have the same privilege, provided that it be authentically proved that the money was lent for this purpose and that the receipts given be mechanics' or laborers'; also state it the same as it has been above said to be the case with those who have lent money for the purchase of real estate. (Code Napoleon, 2103.)

Privileges are of no effect on real estate unless by registering them. They are made public with the *conservateur des hypothèques* (registrar of mortgages) of the *arrondissement*, and take effect from the date of such registration.

The seller must register his sale within forty-five days of the sale in order to retain his privileged claim on the property sold. The co-parcener has to register within forty-five days from the act distributing the estate or adjudication by judicial sale, in order to preserve his privilege for the settlement or the price obtained at such sale. In both cases the registration, made within forty-five days, takes effect not only from the day of registry, but from the day the privilege originated.

The privilege of architects and mechanics goes into effect from the date of the registration of the verbal process establishing the condition the works are in before the commencement.

The seller preserves his privilege by transcription of the title transferring the property to the purchaser and proving the total or partial price due. The transcription of the contract by the contractor is tantamount to the registration of the seller and the lender, who takes the place of the rights of the seller by the same contract. (Code Napoleon, 2108.)

SEC. 5. Privileges on personal and real estate. Privileges which extend to both personal and real estate are those we have indicated as embracing the entire personality, and enumerated in paragraph 2.

If for want of personality the privileged claimants on both personal and real estate present themselves to be paid out of the price of a realty in competition with the privileged creditors on realty, the privileged ones as to personality and realty are paid by preference to the privileged ones on realty.

ON MORTGAGES.

The mortgage is a claim on realty pledged for the payment of a debt. It is by its nature indivisible, and exists entirely on all realty pledged on each and every portion of such estate. It follows it in whatever hand it may pass. (Code Napoleon, 2114.)

The mortgage is either legal, conventional (by agreement), or judicial.

The legal mortgage has its origin in law. Claims or liens which the legal mortgage attaches are those of married women on the property of their husbands, those of minor children and spendthrifts (*intredits*) on the property of their guardians, those of the State, communes, and public institutions on the property of the receivers and accountable administrators. (Code Napoleon, 2121.)

Judicial mortgages are those which result from judgments, be they given (*contradictoirement*) after hearing both parties, by default, definitive or provisional, in favor of him who obtained them. They also result from acknowledgment, confession, or verification in court, owing to private signatures affixed to a written obligation. They may attach to the present realty of the debtor or to that hereafter to be acquired. (Code Napoleon, 2123.)

The conventional mortgage, or one made by agreement, is the one resulting from agreement or contract. It can only be admitted by an act in authentic form made before a notary or before two witnesses. A conventional mortgage is only binding if either in an authentic act constituting the debt or in a subsequent authentic act the nature and situation of each piece of real estate belonging to the debtor is specifically declared as the pledge. Any realties the debtor may own at the time can be specifically named. Prospective acquisitions he can not hypothecate; nevertheless, if his actual possessions are insufficient for the security of the loan, he can, by expressing such insufficiency, consent that any future property he may come in possession of shall become liable in the order of such acquisition. (Code Napoleon, 2129-2130.)

There can only be mortgaged (1) realty being in commerce (business property and accessories known as such), (2) the usufruct of such realty and accessories during the time given. (Code Napoleon, 2116.)

Between creditors the mortgage (be it legal, judicial, or conventional) holds from the day of its registry by the registrar (*conservateur des hypothèques*), with the following exceptions (Code Napoleon, 2134):

(1) For the benefit of minors and "intredits" (spendthrifts, or, in other words, wards of the court) on realty belonging to the guardian by reason of his administration from the day he accepted the guardianship.

(2) For the benefit of the wife, by reason of her marriage portion (*dot*) and marriage settlements on the real estate of her husband, from the date of her marriage. The wife has no mortgage lien for such inheritances as may come to her or donations she may receive during her marriage, except from the date of the opening of the succession (inheritance) or from the day such donations took effect. She has no mortgage for the repayment of debts she may have contracted with her husband, nor for the re-investment of the proceeds of her own prop-

erty, except from the date when the obligation was contracted or the sale effected. (Code Napoleon, 2135.) If a married woman during her marriage becomes a creditor of her husband for a debt she has contracted with him, or for the price of sale of a realty belonging to her, the date of the mortgage is the date when the obligation has been contracted or the property was sold.

REGISTRATION OF PRIVILEGES AND MORTGAGES.

The registration is made at the office of the registrar of mortgages (*conservateur des hypothèques*) in the arrondissement in which the realty is pledged and situated. (Code Napoleon, 2146.) When registering, the creditor, either himself or represented by a third person, exhibits to the registrar of mortgages the original indenture or a certified copy of the judgment or act creating the privileged lien or mortgage. Two *bordereaux* (detailed accounts), on stamped paper, are added, one of which may be joined to the copy of the title. By this *bordereau*, or detailed account, is meant an act containing all such statements as the law requires. These statements contain:

(1) The name, christian name, residence of the creditor, his profession, if any, and the election of his domicile in any part of the arrondissement the bureau is situated.

(2) The name, christian name, residence of the debtor, his profession, if any, and such individual and special description by which the registrar can recognize and distinguish the mortgage debtor in any case.

(3) The date and nature of the title.

(4) The amount of the capital of the lien expressed in the title or its valuation by the registering debtor for rents or prestations, or for eventual, conditional, and open claims in cases where such appraisalment is ordered, as also the amount of the accessories of such capital and the time of its exigibility.

(5) The indication of the species and the situation of the estate on which he intends retaining his privilege or mortgage. This latter provision is unnecessary in the case of legal or judicial mortgage. Unless there be an agreement, a single registration of such mortgage holds all his real property situated in the arrondissement of the registrar's bureau. (Code Napoleon, 2148.) The registration keeps the mortgage and privilege in force for ten years from the date thereof. It ceases then if the registration is not removed before the expiration of this delay. (Code Napoleon, 2154.) The registry is canceled with the consent of the parties in interest, or having the right thereto, or in virtue of a judgment in the last resort.

CANCELLATION OF PRIVILEGES AND MORTGAGES.

In selling real estate the seller transfers to the buyer only such rights as he may possess himself; he therefore conveys the property encumbered with the same existing liens and mortgages on the property, but the buyer may, before paying the purchase price, satisfy all the privileges (secured debts), legal, judicial, and conventional liens, a precaution which he should always exercise, for without doing so he exposes himself, after paying for the property, to have to indemnify the parties who may have liens or mortgages on the estate. The formalities to be observed in satisfying mortgages are described by articles 2181 to 2195 Code Napoleon.

TRANSMISSION OF LANDED PROPERTY.

[Inclosure 2 in Consul Dufais's report.]

Ministry of Commerce and Industry, International Universal Exhibition of 1889, General Direction of Exploitation.—International Congress to Study the Question of Transmission of Landed Property.

PARIS, FRANCE, March, 1889.

SIR: Availing himself of the exhibition, the minister of commerce has called a congress to study the question of transmission of landed property. Hoping that you will give to this congress your support, we have the honor to submit to you the programme of the principal ques-

tions which will be then submitted. It will be desirable that the work of the session be even now prepared and the documents be gathered together. We would be happy to receive information and such observations as you may think useful on questions which may appear of interest to you.

Please accept, sir, the assurance of our most distinguished consideration.

The president of the committee on organization :

A. DUVERGER,

Honorary Professor of the Faculty of Law, Paris.

The Secretary, LEON MICHEL,

Assistant Professor, Faculty of Law, Paris.

The congress will assemble on Thursday, August 8. The meeting of inauguration takes place at the Trocadero. The fee is fixed at 10 francs. All communications should be addressed, before August 1, to Mr. Leon Michel, secretary of the committee, Rue Bonapare N. 31.

PROGRAMME.

I.—PUBLICITY OF CHANGES OF PROPERTY AND THE CREATION OF LIENS ON REALTY.

System of personal publicity by registering (or transcription) of acts to the name of the proprietor (French, Belgian, Italian, etc., system).

System of publication by registering real property itself according to the map and register of the cadastre (map of survey), Torrens' Act, German legislation, etc.

Consideration of the cadastre in its relation to real estate; remodeling of the cadastre in this sense; under which conditions and by what proceedings can this operation be realized?

Consideration of the parceling out of landed property, and of the means to remedy it; voluntary or forced division; syndical associations; German and Austrian system; of the *höferecht*, etc.

II.—CONSOLIDATION OF PROPERTY.

Inscription on land register of all acts of transfers or liens created; should it only be a matter of publication (French, Belgian, Italian, etc., system), or should it constitute an act of public authority, operating, by itself, the transfer of property (German system, Torrens' Act)?

Comparative study of German legislation and the Torrens' Act; extension of the Torrens' Act in Australasia, the United States of America, Canada, Tunis, Algiers, etc.

On which conditions can the system of German legislation and the Torrens' act be established and made to work? Are the authorities to be charged with the immatriculation? Has the real proprietor, if despoiled of his property, his recourse against the new owner or against the State? Can both systems work simultaneously in a country as optional systems, or should only one be allowed to the exclusion of the other?

III.—CREDIT BASED ON REALTY.

System of personal indebtedness forming a lien on the entire patrimony of the debtor, with a further guaranty of a mortgage on a given piece of property (French, Belgian, Italian, etc., system, etc.).

System of a debt on realty conferring on the creditor, under the form of a mortgage bond, an exclusive lien on the ownership of realty (law of Messidor, year 3); German ground debt, Torrens' Act, etc.

Can both systems work simultaneously? Consideration of the relations of debt on land to the system of limited liability and the homestead law in the United States and Canada.

IV.—MOBILIZATION (TRANSFER) OF REAL ESTATE.

Consideration of the cession or circulation of the land titles (property and mortgage); can they be made under the form of titles to bearer or transferable by indorsement (law Messidor, year 3); Bremen law, *grundschuld* (debt on land), Torrens' Act.

V.—TRANSFER OF REALTY FROM AN ECONOMIC POINT OF VIEW.

The interest which may exist to facilitate more or less the transfer of property; average interval between two changes in France, England, Germany, United States, Australia, etc.

The interest which may exist to facilitate more or less the parceling out or reuniting real property, by exchange, syndical associations, *höferecht*, etc.

Consideration of the economic effects of institutions having the object to limit the right of disposal amongst the living and to keep creditors from seizing a part of landed property. (Right of dower, homestead, etc.)

Consideration of landed credit in different countries, of the effect of transfer of hypothecary titles, and of the system of debts on land.

VI.—TRANSFER OF REAL ESTATE AND TAXES.

Comparison of fiscal charges and costs involved in different countries.

Possible transformation of the French system and similar ones in foreign countries; system of costs involving the property at each transfer; system of permanent taxes during possession; comparison of the effects of these two systems.

LANDED PROPERTY.

[Inclosure 3 in Consul Du'ais's report.—Translation.]

M. Saint Genis to Consul Dufais.

BUREAU DES HYPOTHÈQUES DU HAVRE,

Havre, June 5, 1889.

MR. CONSUL: As member of the committee on organization of the International Congress on Landed Property, which is to convene at Paris on the 8th of August next, it is my intention to make the following motion:

"Whereas the wonderful inventions of science are narrowing distances and suppress time; that, therefore, international conventions have more and more practical and useful results, the proof whereof is to be found in the various conferences on monetary matters, postal affairs, telegraphs, maritime signals, extradition, sanitary and police questions, etc.; that real social progress consists in simplifying, for the benefit of the entire civilized universe, relations of general interest, in order to do away with diversities of method and to forward commercial and legislative unity; that what has been accomplished for commercial and industrial credit by means of ingenious and simple mechanism of bills of exchange may be likewise tried for territorial credit; that landed property is an immense and hitherto untried credit and the most solid form of social wealth in Europe as well as in America, in the most refined civilization as well as in new countries;

"Resolved, That the congress appoint a committee of inquiry to propose the most expeditious and least expensive means (1) to make titles to landed property absolute; (2) to mobilize land titles so that it may be easy to sell a piece of property or to pledge such real estate as a guaranty for money lent; (3) to unify the legislation of the different countries so as to circulate such titles and mortgage acts without risk in foreign countries."

Could you ask the promoters of the Boston meeting and also your Government whether they are disposed to support this proposition?

Your cordially devoted

(Signed)

DE SAINT GENIS.

LANDED PROPERTY.

[Inclosure 4 in Consul Dufais's report.—Translation by Consul Dufais of an article which appeared in the *Journal le Havre* of August 23, 1889.]

Amongst the numerous congresses of which the exhibition of 1889 furnished the opportunity, the international congress regarding landed property will remain one of the most important and fruitful. The Government appealed to all the specialists in France and in foreign

countries for their advice, not so much as to the necessity as to the quickest and least expensive way to bring about a reform. At once, at the opening of the congress, three propositions were printed and distributed, which, having been previously agreed upon, except as to some minor details, complete one another, and which have been advocated in common. They are:

(1) A complete project of rules (*régime foncier*) proposed by the delegates of the Belgian Government, Mr. Dansaert, president of the Crédit Foncier (real estate bank) of Belgium, and Mr. Hebert Brunord, advocate at the court of appeals at Brussels.

(2) A complete project prepared by Mr. Flour de Saint Genis, registrar of mortgages at Havre.

(3) A project of a resolution to internationalize land titles, also presented by Mr. de Saint Genis.

These are the three propositions which have been chosen as a platform for the deliberation of the congress.

The bureau is composed as follows: Honorary presidents—Messrs. Yves Guyot, minister of public works; Pellegrini, vice-president of the Argentine Republic. President—Mr. Duverger, professor at the faculty of laws of Paris, president of the committee on organization of the congress. Vice-presidents—Messrs. Dansaert, president of the Crédit Foncier of Belgium; Gonse, councilor of the supreme court (*cour de cassation*). Secretary-general—Leon Michel, professor at the faculty of laws at Algiers, and delegate of the Algerian and Tunisian governments; Flour de Saint Genis, registrar of mortgages at Havre.

Viewed from the present state, and without wishing to forestall the official report, which has not as yet been communicated to the press, we can say this, that the congress has proved itself equal to its mission, that it has resolutely grappled with the questions, and that it is likely to solve them with precision and prudence.

The principles voted by the two sections (judicial and technical), which will be submitted to the confirmative vote of the general assembly, a sort of trial in the second degree and on appeal, may be summed up as follows: Principle of absolute publicity, specialty as to the laws on realty; suppression of hidden liens or mortgages; suppression of judicial mortgages; opening of land registers based on the cadastre; immatriculation of the real rights on the land register in the order of mutations; progressive adjustment of the cadastre by means of a general triangulation, supplemented by a subsidiary triangulation, with an obligatory settlement of the boundaries of the groups of property by communes and sections of communes; creation of a title to property definitely settled by immatriculation, and irrevocably guaranteed by the general authorities, except in cases of fraudulent collusion.

This important reform appears briefly to be a return to the common and to the traditions of the old French law. The means of execution are simply questions of detail, which the high competency of the congress will no doubt discuss with the same attention and the same safety.

FRANCE.

REPORT BY CONSUL MOORE, OF LYONS.

RECORDED INDEBTEDNESS.

The same system of recorded indebtedness prevails in the department of the Rhone, of which Lyons is the capital, and surrounding departments comprised in the consular district of Lyons as in all other parts of France, which is governed by general and universal laws. With the exception of mortgages on ships, these laws only apply to the rights of the creditor on real property, and on such property only as is specified in such mortgages and preferred mortgages.

The distinction between real and personal property in France is itself specified and governed by general and universal laws. Taking a mortgage to be the right of the creditor settled on the property of the debtor, following it and empowering the creditor to seize it in all hands and sell it against all subsequent owners, and entitling him to be paid always in preference to ordinary creditors, law in France recognizes no mortgage except on ships and real property. On ships no other but ordinary mortgages are recognized by law. On real property there are two kinds of mortgages, viz: (1) Preferred mortgages, or such as entitle the preferred mortgagee to be paid first, in preference to the ordinary mortgagee; (2) ordinary mortgages.

(1) The preferred or privileged mortgages derive only from the law, never from mere agreement had between the creditor and debtor. This class of mortgages only apply in favor of certain specified classes of creditors, both private and public, to the property of certain specified classes of debtors. Most of this class of mortgages affect only property of a specified character, while others apply to all real property of the debtor. The specified classes of creditors are the seller, certain lenders, joint heirs, architects, builders, masons, and other workmen employed by builders, and the treasury. The specified classes of debtors are the buyers, certain borrowers, joint heirs, persons for whom the work is performed, convicts, receivers of public moneys, and their wives. The property of a specific character is property sold or inherited, or on which the loan has been made, or work done, or property which has been acquired by money after appointment to office. The preferred mortgages are established, defined, and governed by several general laws.

(2) Ordinary mortgages have their origin from three sources, to wit: Law, judgment, and agreement between the parties.

(a) Legal mortgages are such as the law itself gives to specified classes of creditors, such as minors or insane persons under guardianship, married women, legatees, the municipal treasury, and some other public corporations on the property of specified classes of debtors, as guardians, husbands, heirs of the legator, receivers of public moneys. In case of bankruptcy, however, the law itself gives a mortgage to all creditors on the property of the bankrupt.

(b) Judicial mortgages result from judgments condemning a debtor to pay or establishing his indebtedness, whether by default, confession, or conviction.

(c) As a rule, any owner who can legally dispose of his property can mortgage it to any of his creditors. Ships, though personal property in France, can, as before stated, be mortgaged, but not otherwise than by special agreement between the debtor and creditor.

Mortgages entered into by private agreement between the parties only apply to such property as is specified in the said mortgage. Mortgages resulting from law or judgment apply, on the contrary, to all property of the debtor, but may, on special conditions and under particular circumstances, be reduced to such property as may be judged sufficient to satisfy the debt.

I give below certain references bearing on this question, and which will be of value to parties wishing to enter more fully into the details of rules,

distinctions, and forms governing such matters in France, viz: Code civil, sections 516 to 536, 1017, 2101, 2134, 2157 to 2166, 2140 to 2145. Code de commerce, sections 6, 7, 490. Laws of August 6, 22, 1791, section 24; September 5, 1807; September 16, 1807; March 23, 1855; July 12, 1856, section 3; December 10, 1874; and decree of April 23, 1875.

RATIO OF MORTGAGES TO TOTAL VALUATION.

It has been recently asserted by an economist, Mr. Sbroyavacca, as regards country property in France, that mortgages thereon amount to 13 per cent. of the real value thereof.

RECORD OF MORTGAGES.

All privileged mortgages and all ordinary mortgages, or, in other words, all mortgages, with only two exceptions, must be recorded. The exceptions relate to the mortgages of minor and insane persons and married women under guardianship, as long as these mortgages remain under the authority of the guardian or husband. When released therefrom they must themselves have their title recorded in a certain given time specified by law. During the time that such mortgages are not recorded they nevertheless operate in favor of the mortgagee the same as if they were, that is, during the period when they are not required by law to be recorded. The guardian and husband are, however, required, and other persons permitted, by law to have such mortgages placed on record immediately; as when the mortgagee can not conveniently or is prevented from doing so at all, the law names certain specified persons who should attend to having it recorded, and who, neglecting to do so, may be made responsible to whoever may have been injured by their failure to do so. Law specifies at what time, and up to what time in special cases, such as foreclosure, by sale, or taking property for public purposes, the recording must be performed. Recording has no other effect than to make the mortgage good against whoever afterwards acquires the property or any rights thereto. It is not necessary, of course, to make the debt valid against the debtor, nor even, it seems, to give preference to the mortgagee over the ordinary creditors of such debtor, but, as under American law, only serves as a notice to the public in general. The record of every mortgage must be renewed once in every period of ten years, otherwise it loses its value as such notice from the day when such previous record has expired until renewed, and no subsequent record makes it valid for such period which has elapsed between the expiration and renewal thereof.

Each department or county in France is divided into a number of arrondissements or districts; the number of districts comprised in different counties is not the same but varies. A recorder of mortgages (*conservateur des hypothèques*) resides in each of these districts, whose duties and responsibilities are prescribed and regulated by law. Other officers, however, attend to mortgages on ships.

It may not be uninteresting to add that other rights on real property other than mortgages or preferred mortgages must also be recorded to produce all their legal effect, to wit, namely and principally:

- (1) Leases for a term of more than eighteen years.
- (2) *Antichrèse*, a contract transferring the real property of the debtor to the creditor upon certain conditions, and conferring the right upon such creditor to take and hold the said real property and enjoy the use thereof, applying the profits of such proceeds as he may derive therefrom to the payment of his debt until it has been fully liquidated.
- (3) All contracts or wills conferring the rights and advantages of certain property to another.
- (4) Contracts or wills granting the right of occupation, usage, and enjoyment of certain property to a person or persons, subject to conditions prescribed by law.

MORTGAGE COMPLICATIONS OF TITLE TRANSFERS.

(5) All contracts or writings of any nature transferring the right and title of property acquired otherwise than by bequeathment or inheritance.

The transfer of property encumbered with a mortgage is undoubtedly complicated and embarrassed to a certain extent, as the property remains in the hands of the buyer, subject to seizure and sale by authority of the court, as will be seen, and thereby subject to rather complicated rules of law. The purchaser may, however, free the property from such mortgage by paying the price named in the mortgage to the mortgagee. But even that course subjects him to the observation of and compliance with some strict rules of law, which may be determined only at the request of the mortgagee, or result in the ordinary sale by authority of the court. Yet, owing to the power or right given the buyer of freeing the property under certain conditions, it would not seem that the embarrassment or complications would be very serious. References: Code civil, section 806, 2181 to 2195; code de commerce, sections 572, 573; code de procédure civile, section 771.

INCREASE OR DECREASE OF MORTGAGES.

I have no means of obtaining information based upon statistics as to whether recorded indebtedness is increasing or decreasing, but certain inquiries made through different channels tend to show with a great degree of accuracy that property in France, for various reasons, some of which are very plausible and easily comprehended, is on the decline, and that although there may be a greater number of mortgages in existence still the aggregate amount represented by such mortgages is less; in other words, the difficulty to obtain money by mortgage on property increases in proportion to the decline in the value thereof. Thus the recorded indebtedness may be said to be decreasing in proportion to the estimated values. I may also state in this connection that property may be mortgaged for from one-half to two-thirds of its value, owing to certain circumstances regulating its desirability.

LIENS.

All property, both real and personal, of the debtor is liable, and can, as a rule, be seized and sold for the satisfaction of his indebtedness, with the following few exceptions, viz:

(1) Objects which are declared by the law to be real property by destination.

(2) Bed, or beds and bedding necessary for the person or persons against whom the attachment is issued and their children living with them, together with clothing worn by the persons at the time such attachment is served.

(3) Professional books to the amount of 800 francs (or some \$60), the selection of which is left to the person against whom such attachment is issued.

(4) Machines and instruments used in the pursuit of, or instruction in, science or art, the selection to the value of a similar amount being left to party against whom attachment issues.

(5) Military equipments required according to rank.

(6) Tools of an artisan for his personal use.

(7) One month's provisions for such person and his family.

(8) A cow, or three ewes, or two goats, as may be chosen by such person, together with the necessary feed for such animals for the period of one month.

On personal property neither an agreement with a debtor nor judgment against him can give preference to any one creditor over the other, but to certain specified classes of creditors law itself gives a preference on all or on certain personal property, or what is termed in the French law a "privilege." The privilege merely entitles one creditor to be paid before an ordinary creditor. But no creditors, either privileged or having obtained judgment, can in anywise seize and sell even personal property, except by authority of public officers under and in accordance with such rules and forms prescribed and laid down by general laws which govern such matters. Crops are, as other property, subject to seizure and sale for indebtedness, with the exception that such seizure must not take place prior to the six last weeks next immediately preceding the ordinary time of harvest.

Preferred indebtedness on all personal property extends to all real property. In other words, the same causes of indebtedness give preference on all real as well as on all personal property but only in the same manner, which is only so long as the property remains in the hands of the debtor and is owned by him. Preferred indebtedness of this character does not therefore act upon real property as a mortgage. The same term, "privilege," applies to all preferred indebtedness, as well on real as on personal property. But it is understood that special privileges only operate as a mortgage on real property. These are, however, at the same time preferred mortgages.

The principles upon which the privileges, or preferred indebtedness, are founded are principally the following for the privileges applying only to real property, or, in other words, to preferred mortgages: That they have really placed or preferred the property in the hands of the debtor for the benefit both of all his own creditors as well as those of the party who received the

property from him; also, that the greatest security should be given to the treasury for the recovery of public moneys. For the privileges applying only to personal property the same principles form their basis, others being founded upon the principle that the privileged creditor was naturally made to believe or induced by circumstances of the case to consider the property to which his privileges attached as a pledge for his claim.

Privileges applying equally to all real and personal property are based upon the principle that the indebtedness was incurred either really for the benefit of all creditors or for services particularly necessary to the debtor.

References: Code civil, sections 2071-2084, 2088, 2092-2094, 2098, 2101, 2105; code de procédure civile, sections 583-635; code de commerce, sections 95, 271, 280, 307; laws of August 6 and 22, 1791; 4 Germinal An II, titre 6, article 4; 26 Pluviose An II; 25 Nivose An XIII; 6 Ventôse An XIII; 22 Trimaire An VII, article 32; September 5, 1807; November 12, 1808, article 1; April 28, 1816, article 76; July 12, 1856, article 3. Decrees of 1 Germinal An XIII, article 47; December 22, 1812; February 28, 1852, article 30.

References pertaining to question No. 4: Code civil, sections 2085-2091, 2106-2113, 2135-2136, 2146-2154, 2193-2203; code de commerce, sections 448-490; law of March 23, 1855; decree 11 Thermidor An XII; avis des conseil d'état of 25 Thermidor An XII; January 22, 1808; December 26, 1810; November 12, 1811; March 24, 1812. Compare laws of September 3, 1807, and June 3, 1865. See also law of December 10, 1874; decree of April 23, 1875; and law of July 17, 1856.

INTEREST.

The rate of interest is limited in France by general laws to 6 per cent. in commercial and 5 per cent. in other matters. It has been very difficult of late to obtain a greater interest than 4 to 4½ per cent. on mortgages on desirable property in Lyons.

There is no doubt that, under the rules prescribed by law, the mortgagee can cede his title against the mortgageor to a third party, together with all rights and privileges attaching to the mortgage. He may also, wishing to obtain a loan, hypothecate both to the lender; but he could hardly be expected, in that case, to pay a greater rate of interest than he was, under the mortgage, entitled to receive from the mortgageor, and which would be 5 to 6 per cent. at most. However, owing to the rather complicated proceedings of a foreclosure, I should not think that borrowing on indebtedness secured by mortgage could be frequent anywhere in France.

The same rate of interest applies, and the same observations may be made, as to creditor borrowing on a judgment obtained against a debtor, as execution of judgment against both real and personal property always and only takes place under authority of public officers and according to strict formalities of law; and, whether mortgaged or not, many of the formalities and rules of seizure and sale of real property for indebtedness are substantially the same.

References: Code civil, sections 1251, 1252, 1689-1701; also section 2088; law of September 3, 1807; code de procédure civile, section 742.

FORECLOSURES.

Mortgages are foreclosed at the request of the mortgagee under and by authority of the court, and subject to certain formalities and rules defined and governed by law. Property can not be taken possession of by the mortgagee or sold independent of the court; any agreement to that effect entered into between the debtor and creditor would be absolutely null and void. It may be considered as a statement approximately correct that, in proportion to the value of the property mortgaged, the probable ratio of expense of foreclosure to the amount would be 20 per cent. for property to the value of 10,000 francs, 20 to 10 per cent. on property valued at 10,000 to 100,000 francs, and 10 per cent. on property valued at 100,000 francs or more, the per cent. on the value varying in proportion to value, the former decreasing as the latter increases. It has been asserted that the expense of foreclosing a mortgage for 500 francs would not be less than 370 francs—in other words, more than half the amount involved.

The numerous rules for sale by authority of the court are mostly to be found in sections 673, 742-748 of the code de procédure civile.

It may be well enough to state that when property is taken possession of for public purposes, in conformity with the formalities and rules of law, that law itself cancels the mortgage, and moreover makes special provision which insures the payment of such mortgage. Reference: Law of May 3, 1841, section 17.

PARTIAL PAYMENTS.

As a rule, unless the courts should decide otherwise, which, under special circumstances, they are authorized to do, no debtor can, contrary to the terms of the contract or text of the judgment by which the indebtedness is created, compel the creditor to receive partial payments. The law is, also, that, unless the creditor agrees to the contrary, the mortgage remains in full force until the entire debt has been paid off. In case of foreclosure all partial payments legally made and accepted by the creditor are, of course, allowed and deducted from the amount originally due, and any proceeds from the sale of such property which may remain after the balance due mortgagee has been paid is paid over to the mortgageor, no other creditors having filed their claims. But, in consequence of the last rule above mentioned, no part of property specified in mortgage is released by such partial payments unless it be so agreed to; otherwise the whole remains subject to sale for the satisfaction of the remaining indebtedness.

References: Code civil, sections 1253, 1256, 1258; also sections 1220, 1221, and 2114.

CANCELLATIONS.

The ordinary form of canceling may be said to be a marginal note made on the record of mortgages by the recorder, in conformity with the forms

and under conditions prescribed by law, that such mortgage has expired or been satisfied and for what reason ; certain of which marginal inscriptions do not, however, affect the validity of such mortgage itself, but only the record thereof, the mortgage itself existing as aforesaid, though the record, for certain reasons, may have expired.

The real causes which nullify a mortgage are payment of the debt in full, foreclosure according to forms prescribed by law, expressed or implied abandonment, statute of limitations, whereby, under certain conditions prescribed by law, mortgages are, according to circumstances, barred in ten, twenty, or thirty years.

References: Code civil, sections 2151, 2180, 2262, 2265 ; code de procédure civile, sections 755, 769, 771 ; code de commerce, section 508.

REFERENCES.

In submitting the foregoing report to the Department I beg to state, in conclusion, that many volumes have been written on this subject, some of which answer in the most minute detail the greater number of the preceding interrogatories, of which the following are among the best: Aubry et Rav, Cours de Droit Civil Français, fourth edition, 1871, volume III ; and Thézard, Le Nantissement, le gage, les privilèges et hypothèques (security, lien, privileges, and mortgages), in one volume, A. D. 1880.

L. V. MOORE,

Consul

UNITED STATES CONSULATE,

Lyons, June, 1889.

ST. ETIENNE.

REPORT BY COMMERCIAL AGENT MALMROS.

RECORDED INDEBTEDNESS.

(1) Mortgages (*hypothèques conventionnelles*) on real estate, on chattels real, and on the usufruct of both. Personal estate is incapable of being mortgaged here, except vessels. As a matter of fact, vessels are not mortgaged in this inland consular district.

(2) The *privilege* of the vendor of land. This *privilege* is inscribed *ex officio* by the register of deeds whenever it appears from any instrument in writing or judgment transcribed by him, and which causes a change of title to land, that the whole or part of the price is still due. In case several successive sales of a piece of land take place, the prices of which remain wholly or in part unpaid, the first vendor is preferred to the second, the second to the third, and so on.

(3) The *privilege* of any person furnishing capital for the purchase of a piece of land, provided the contract for the loan of such capital is a notarial

one, *i. e.*, drawn up and certified by a notary public, and sets forth the object for which the capital is borrowed, and provided this contract is accompanied by the receipt of the vendor of the piece of land, stating that the capital so borrowed has been applied to the payment of the purchase price of the land.

(4) The *privilege* of the division of patrimonies. This *privilege* permits creditors, who have lent money without acknowledgment in writing of the loan by the debtor (*prêteurs verbaux*), merchants, furnishers of every description of household articles, etc., to have their claims recorded by the register of deeds, after the decease of their debtors, even without producing any evidence to support such claims at the time of registry.

(5) Judgments by decree. Judgment by confession is unknown here.

(6) Liens of contractors, architects, masons, and other workmen employed to construct or repair buildings, canals, or other works on real estate, provided that an expert appointed by the *tribunal de première instance*, within whose district the property is situate, has first drawn up on the spot an account of the condition of the property relative to the improvements the owner may declare his intention to make, and provided the improvements are accepted within six months of their completion by an expert appointed in the manner before mentioned. Persons who may have lent money to pay the said contractors or workmen for labor performed, materials furnished, or money expended by them have also a lien by substitution, provided the contract of loan is a notarial contract, and is accompanied by a receipt of the contractor or workmen. Both the contract of loan and the receipt are of the same character as the corresponding writings executed for the benefit of persons lending money for the purchase of land.

(7) The *privilege* of co-heirs of land. In case any of the heirs at the division of the land has received a lot unequal in value to the amount he is entitled to, his claim for damages, sufficient to equalize the shares, constitutes an encumbrance on the lots of land received by the other heirs, provided he has his claim registered within sixty days from the date of the division of the inherited land. Within this period the property allotted to his co-heirs can not be mortgaged to the prejudice of the claimant.

(8) The *hypothèque légale*, *i. e.*, the encumbrance on real estate resulting not from contract, but from the operation of law, of married women on the real estate of their husbands, and that of minors and other persons under guardianship upon the real estate of the guardians. Women married under the *régime dotal* have a *hypothèque* on the land of their husbands, by reason of their marriage portions and matrimonial contracts, dating from the day of their marriage. For those parts of her marriage portion which may be derived from inheritances the *hypothèque* of a married woman dates from the day she enters upon the possession of the inheritance. She has also a *hypothèque* for donations made to her during marriage from the day the donations take effect. This *hypothèque légale* of a married woman on the estate of the husband is given for the reason that the husband is the legal

administrator of the property of the wife, and therefore responsible for its management.

RATIO OF MORTGAGES TO TOTAL VALUATION.

The probable ratio which mortgages and judgments bear to the total valuation of taxable and assessed property is roughly estimated by those best qualified to form a judgment on the subject at 40 per cent.

MORTGAGE RECORD.

Mortgages taking rank only from the day they are delivered to the register of deeds to be recorded, it is to the interest of the mortgage creditors to have them recorded at once, and they almost always are so recorded. But mortgages do not lose their character of mortgages by not being recorded. If, however, a piece of land is sold on which a mortgage has been given which has not been recorded, the purchaser takes the title to the land free from such mortgage.

In order to preserve their respective rank, all mortgages and other *hypothèques* and *privilèges* must be again recorded within ten years from the date of their execution. If presented again for record after this delay of ten years, mortgages, etc., only rank from the date of their second registry. The mortgages and other *hypothèques* and *privilèges* which are recorded in the office of the register of deeds are barred by prescription after the lapse of thirty years from the date of their execution, unless they are executed a second time before the expiration of the period of thirty years referred to.

It may be well here to mention that the *hypothèque légale* of married women and wards exists independent of all inscription on the land of the guardian from the day he accepts the guardianship, and on the land of the husband from the several dates mentioned in my answer to interrogatory 1. The guardians and husbands are, however, required by law to have these *hypothèques légales* without delay inscribed by the register of deeds, and if they fail so to do and consent to let their land become encumbered by *privilèges*, mortgages, or other *hypothèques* without expressly mentioning the existence of the *hypothèques légales* of their wives or wards, they render themselves criminally liable; but, as already stated, the rank of the last-named *hypothèques* to date from the day of their inception is in no way affected by not having them placed on record.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages complicate and embarrass the transfer of land titles but very little. The amount of recorded indebtedness and its character can easily and inexpensively be ascertained at the office of the register of deeds, whose books of record are kept in an exemplary manner. On buying a piece of land the purchase price of which is less than the sum of the recorded indebtedness resting on the property the new proprietor, after having had his title recorded, issues to the record creditors a notice containing (1) an extract of his deed containing only the name and precise designa-

tion of the vendor, the date and character of the instrument of purchase, and the nature and situation of the land sold; (2) an extract of the registry of the deed; (3) a table in three columns, the first of which contains the date of the several mortgages and other recorded debts, the second the names of the creditors, and the third the amount of the debts recorded. The purchaser declares in the same notice his readiness to pay these debts up to an amount equaling the purchase price agreed upon. Thereupon the record creditors can require that the land be put up at public auction to be sold to the highest bidder. The notice of sale thus issued states the purchase price above which a bid has to be made, and that unless such a bid is made the land will be adjudicated to remain the property of the new proprietor, who is not required to have this adjudication placed on record in addition to the vendor's deed to him. If a person has bought land belonging to a husband or guardian and no record exists of a *hypothèque légale* on said land on account of the administration by the guardian of the ward's property, or on account of the wife's marriage portion, etc., and the purchaser wishes to clear the land of any such encumbrance that may exist, he has to deposit the contract transferring the land to him with the clerk of the *tribunal civil* of the district in which his property is lying, and must notify of such deposit as well the wife or guardian as the *procureur de la république* of said tribunal. An extract of the deed or contract of purchase is then placed in a conspicuous position in the auditory of the tribunal for the period of two months, within which time the husband, wife, or minor, tutor, friends, and said *procureur* are required to have such *hypothèque légale*, if it exists, recorded by the register of deeds. In case within said two months no such *hypothèque* is registered the purchaser's title is forever freed from those *hypothèques*.

INCREASE OR DECREASE OF MORTGAGES.

Recorded indebtedness in this district has been increasing very much during the last ten years in proportion to the value of the real estate in the district. The value of land has fallen materially, particularly in St. Etienne.

It is impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

LIENS.

There is no lien placed on personal property by confession of judgment.

The following claims constitute *privileges* on the personal property generally of a debtor, and on his real estate after his personal property has been exhausted. These claims rank in this order:

- (1) Costs of courts of justice.
- (2) Funeral expenses.
- (3) The expenses of the last illness of a person deceased.
- (4) The salary of servants, clerks, and other employés for the past year and for so much of the current year as may have expired.
- (5) Articles of subsistence furnished a debtor and his family, viz, during the last six months by retail dealers, such as bakers, butchers, and others; and during the last year by lodging-house keepers and wholesale merchants.

The following *privileges* or liens attach to particular descriptions of personal property, viz:

(1) Lien of a lessor for the amount of rent of dwelling-houses or farms on the lessee's furniture of the house, on the crops of the year, on all the furnishings of the farm, and on every object employed in carrying on the business of farming. Nevertheless debts contracted for seeds or for harvesting the year's crops constitute a prior lien on those crops, and debts due for farming utensils constitute a prior lien on these utensils in preference to the lien attaching to them on account of rent due.

(2) Lien on a thing pawned for the sum for which it has been pawned.

(3) Lien for the amount or expenses necessarily incurred in preserving personal property belonging to other persons.

(4) Lien on personal property sold, the price of which remains unpaid, in case it still remains in the possession of the debtor, no matter whether such property has been bought on time or not. If the property has been sold without specifying the time of payment, he can even claim the return to him of such property, provided it is still in the possession of the purchaser, and can prevent its resale, provided his claim for restitution is made within a week of its having been delivered to the first purchaser and remains in the same condition in which it was delivered. This privilege of the vendor is subordinated to that of a lessor where the personal property is used to furnish leased premises or is employed on a farm.

(5) The lien of tavern-keepers on the effects of travelers transported to their taverns.

(6) Lien on goods transported for the costs of transportation.

Crops are subject to execution or judgment or to seizure by a creditor within the last six weeks only of their ordinary time of maturity in the region where they grow.

All personal property, with the following exceptions, is subject to execution of judgment:

(1) Bed and bedstead of the debtor and his family.

(2) Books belonging to the debtor's trade or vocation up to the value of 300 francs, at his own selection.

(3) The machines and instruments used for the teaching, exercise, or practice of the sciences and arts up to the same value.

(4) The equipment of persons belonging to the army and navy according to their rank.

(5) The utensils of artisans necessary for their personal occupations.

(6) The quantity of flour and other articles of subsistence required for the sustenance of the debtor and his family during one month.

(7) A cow or three sheep or two she-goats, at the choice of the debtor, together with a month's feed.

Of the above-named articles the bed and bedstead can not be seized for any debt or judgment whatsoever; the other articles can be seized only on

account of a debt for food furnished the debtor or in case a vendor's or other lien attaches to them.

INTEREST.

The prevailing rate on mortgage paper varies between $4\frac{1}{2}$ and $5\frac{1}{2}$ per cent.; judgments draw 5 per cent.

FORECLOSURES.

Mortgages are foreclosed by action at law only. The expenses of foreclosure are always very high. The aggregate expenses, including attorney's fees, to foreclose a mortgage for a debt of 5,000 francs would be about 1,200 francs; for a debt of 50,000 francs about 8,000 francs. These expenses vary, however, even for the same amount of indebtedness, according to the circumstances of each case.

PARTIAL PAYMENTS.

It is customary, though not obligatory, to have partial payments made on recorded debts likewise recorded. The document evidencing such payments is, if to be recorded, notarially drawn up, witnessed and certified to. The debtor is not deprived of any benefit on account of payments made, in case he defaults in part; on the contrary, he receives a full equivalent for all payments made, as his debt is reduced by the exact amount of the payments made before he defaults. If a mortgage which has been partly paid is foreclosed on account of the sum remaining unpaid, the full proceeds of the sale after deduction of the sum remaining unpaid, with interest and the cost of foreclosure, are paid to the debtor.

CANCELLATIONS.

At the time the mortgage is paid a document like the following is executed:

Before the subscribers, Mr. ——— and his colleague, notaries public at ———, appeared Mr. ———, timber merchant, dwelling at ———, who, divesting himself of all rights, *privileges*, and *hypothèques* of these presents, declares that he gives a simple release, and that he consents to have entirely and definitely canceled the inscription made for his benefit in the office of the register of deeds at ———, the ——— day of ———, 188—, volume 537, number 41, against Mr. ———, joiner, dwelling at ———, by virtue of an act of obligation, received by Mr. ——— and his colleague, notaries at ———, on the ——— day of ———, 188—, to secure the principal sum of ———. The appearer consents to the discharge by the register of deeds at ———, who will definitively cancel the said inscription. Production of these presents, whenever necessary, is consented to.

Attested accordingly.

Done at ———, this ——— day of ———, 188—

(Seal and signature of the two notaries.)

The document is accompanied by a receipt like the following:

I, the undersigned, ———, timber merchant, dwelling at ———, recognize and declare that I have this day received from Mr. ———, joiner, dwelling at ———, the sum of ———, being the amount of principal and interest up to date of the obligation recorded in my favor, executed by ———, joiner, according to a notarial act received by Mr. ———, notary at ———, on the ——— day of ———, 188—

St. Etienne, the ——— day of ———, 188—.

(Signature.)

The foregoing receipt and the release may also be consolidated into a single document. Upon production of the above document of release the register of deeds enters a recital of the facts therein set forth on his records, and states that he, the register, cancels the mortgage. He also gives a certificate to the mortgageor, stating the receipt by him of said release, describing the same, and that he has canceled the mortgage.

The release of the *privilege* of the vendor is almost identical with that of a mortgage. It may be worth noticing that although at the time of the execution of a contract of sale of land only a part or even no part of the purchase money be paid to the vendor, yet the latter passes by said contract the title to the property to the purchaser. On a release of the vendor's *privilege*, therefore, it is unnecessary that the vendor execute any further document to complete the purchaser's title.

OSCAR MALMROS,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
St. Etienne, August 21, 1889.

GERMANY.

REPORT BY CONSUL-GENERAL RAINE, OF BERLIN.

RECORDED INDEBTEDNESS.

The Prussian code.—In this consular district the provisions of the Prussian *landrecht* (Prussian code) prevail. The plan, arrangement, division, and use of legal terms in this code are, however, rather dissimilar to the division and legal terms used in our American law books, and I have found it somewhat difficult to answer fully the questions propounded in the Department circular. Moreover, this Prussian code, elaborately compiled under Frederick the Great from the common and statute laws and royal orders then in force, has since undergone so many trenchant changes, substitutions, and amendments that even an experienced Prussian lawyer would sometimes be at a loss to promptly cite a passage desired or to define and interpret the import and meaning of legal terms and phrases.

This very circumstance, and the fact that in the German Empire prevail more civil law systems than there are even states, has for some time suggested the necessity to accede to a concise and lucid codification of the actual law in force. A proof edition of this codified law, under the title "*Bürgerliches Gesetzbuch für das Deutsche Reich*," appeared in 1888. This work was published in order to learn the opinions of jurists and other persons interested in the matter in regard to the merits and demerits of the new compilation. After having utilized any objections and available suggestions this code will, in due time, be enacted for the whole Empire.

Recurring to the answer to the first question, I may be permitted first to give a brief summary of the origin of certain concepts and legal terms as used in the Prussian code and in this report.

Hypotheca and mortgages.—The legal institution of a hypotheca was derived by Germany originally from Roman law, but in the course of time it has been materially reformed. As is known, Roman law denoted generally a *pfandrecht* (a right to security in gages, or pledges), requiring possession of the thing pledged, as “*pignus*”; a security or gage not requiring possession as “*hypotheca*.” The latter could attach both to real and personal property, and this not only to single articles, but also to the whole property or estate of the debtor. A hypotheca was created by contract, descent, judicial sentence, and by the operation of law.

The German law has more precisely expressed the difference between security or gage requiring possession (our pledge) and security or gage not requiring possession of the thing given in gage. For movable or chattel property it permits only a “*pignus*” (our pledge), and confines *pfandrecht ohne besitz* (a right to security without possession of the thing given in gage) to real estate, so that the modern German term *hypothek* is co-extensive in meaning with our “mortgage.”

The history of the German right to security or gages (mortgages and liens), as indispensable as its knowledge may be for a full understanding of the present legal status, has not yet been written in a manner to meet universal recognition among German jurists.

Professor von Holtzendorff, a German jurist of high repute, who died only a few months ago, states the following as the substance of this question more generally acknowledged. (I preface his opinion with the remark that the German term *pfandrecht* is a generic term, and means, strictly, a right to security or a gage for an indebtedness or other obligation, thus including both our American modern legal terms “mortgages” and “pledges.”)

Holtzendorff says:

(1) The *pfandrecht* proper attached to chattel or personal property (in German *mobilien*) was a delivery of the thing (*res*) to the creditor. The realization of the right once ensued under judicial sentence by delivery of the thing pledged to the creditor and again by a sale authorized by the court of this thing and by satisfaction of the creditor from the proceeds. Parallel to this divergence in practice there was another distinction, viz, either that no regard was paid to the value of the gage; that the surplus of value was not restored to the debtor, and that, in case of the gage having a value less than the amount of the indebtedness, the creditor could have no further recourse to the remaining property of the debtor; or that the surplus proceeds were returned to the debtor, and, in case of a deficiency in the proceeds, the creditor might still seek satisfaction from the remaining property of the debtor. This system is still in force.

(2) The *pfandrecht* (security) attached to real property shows a progressive formation. Under the old German law the mortgageor delivered the thing to the creditor (mortgagee), to be possessed and used by the latter under the obligation to return it upon payment of the debt.

Under the modern German law the mortgageor himself remains in possession, with the right of use, the mortgagee receiving only the right to demand satisfaction out of the thing given in security. Thus a plurality of miscellaneous rights in the same thing (*jus in re*) becomes possible. Such *pfandrecht* is lawfully created by a declaration act to that effect in court, by a record in the court register, and by delivery of the instrument in writing concerning this transaction to the mortgagee. If the mortgageor does not pay at the stipulated time, at the request of the mortgagee the matter is brought by the court three times to public notice,

a new date of payment being fixed (foreclosure); and if such term of payment again elapses without the indebtedness being paid, the realty itself, under decree of the court, passes to the mortgagee, either without any regard to the property mortgaged or the proceeds obtained by sale, or is delivered to the mortgagee to the extent of the indebtedness, any surplus being returned to the mortgageor. In event of the proceeds arising from the sale of the mortgaged property being less than the amount of indebtedness, the mortgagee has, in some of the German states, the right of recourse to other property of the mortgageor; in other states, however, he does not have this right.

In order to define more closely the modern *pfandrecht* it may suffice to refer to more recent works on the subject, especially Prussian laws concerning mortgages and liens, and particularly to the act relative to the acquisition of property, mines, and independent privileges, May 5, 1872, amended and completed by several subsequent acts of the same or later date, and also to the ground book act of May 5, 1872.

Modern Prussian law recognizes two kinds of *pfandrecht* (right to security or gage) attaching to real estate, viz, the modern hypotheca and ground debt. In either case record in the ground book is indispensable; therefore, only such real properties as have a special sheet of their own in the ground book can be mortgaged, viz, lands, tenements, independent privileges, and mines.

For the creation of a modern hypotheca (our mortgage) it is required—

(1) That some person have a claim against the owner of the real estate (for instance, from a contract of sale or loan).*

(2) That a contract were made between the owner of the real estate and his creditor to the effect that the real estate of the former shall be mortgaged to the latter as security or gage for his claim.†

(3) That such claim be recorded in the ground book.

Ground debt.—The meaning of the term ground debt coincides with that of hypotheca in its likewise constituting a right in the thing *jus in re*, that

* That an indebtedness of the owner of the real estate exists is a main characteristic and a principal requirement of a hypotheca. A *pfandrecht* (right to security or gage), as which a hypotheca figures, is not at all admissible or conceivable without a claim to security, as which the thing given in gage is to serve. There must first exist a personal claim against the mortgageor, *i. e.*, a claim for which action may be brought against the person, before the right of mortgage *in re* (in the thing) is created, *i. e.*, the right to claim the thing itself. Now, as the right *in re* rests on the claim against the person in its origin, the former right depends on the latter in its continuance. The one right can not be transferred without the other, and by the cancellation of the personal claim the claim to and right in the thing (*in re*) also expires. The personal claim, in security of which the mortgage is to serve, must, inasmuch as the creation and foundation of the latter is concerned, be determined by the rules of the Prussian common law. For the entry of a mortgage the production of an instrument of indebtedness is required, *i. e.*, the production of a written confession of the owner that he is indebted to the creditor for whom the hypotheca is to be recorded, stating fully the reason and amount thereof. This is necessary even where the legal transaction underlying the personal claim can be concluded orally (as, for instance, under the German merchant act). As a rule, a confession of indebtedness is required to be reduced to writing in a protocol made before the judge in charge of the ground book.

† From the circumstance that a person has a personal claim against the owner of a real estate, it does not necessarily follow that the latter is bound to give him a mortgage in security. To attain this end the existence of an agreement or contract is required by which the owner has bound himself to give a mortgage. By virtue of such a contract, in event of the owner's refusing to give a mortgage, action can be brought against him, applying for record in the ground book. Usually, however, loans are not made unless application for the record of a mortgage has been filed in court. The recording of a mortgage may, however, ensue even without the owner's obligation under contract to secure an indebtedness by a mortgage, by virtue of a judicial sentence. In a case of this kind the willingness of the owner to make a contract is replaced by the judgment of the court.

is, that the owner may seek satisfaction directly from the real estate. The divergence in the meaning of the terms, however, hinges on the fact that a ground debt is entirely independent of a personal claim and constitutes an independent right in the thing (*jus in re*). The ground debt is created by the promise of the owner of a real estate (as the debtor of the ground debt) to pay, under fixed conditions, a certain sum with interest thereon. The ground debt gives to the creditor (the owner of the ground debt) the right to demand the interest and principal of the ground debt from the owner of the real estate, and, if necessary, to claim even the real estate itself. The ground debt in every case, just as the hypotheca, is based entirely upon proper record in the ground book.

The right of demanding such record and, if necessary, of bringing suit to that effect against the owner of the real estate rests with the person to whom the former lawfully promised the creation of a ground debt. In this connection it may be stated that although the ground debt be an independent right in the thing (*in re*), yet either in its origin or consequence it is a personal indebtedness.

(1) The ground debt has its origin in a personal indebtedness if created as security for or in discharge of the same. In this case the creditor, if the owner delays the creation of a ground debt, may demand such creation if it has been promised in a contract, *e. g.*, a contract of loan.

(2) The ground debt has a personal indebtedness as its consequence when, after its creation, it is used to support the title of such indebtedness, for instance, where the owner of a real estate orders a ground debt to be recorded for himself and, later on, uses such record for obtaining a loan.

Titles of hypotheca and ground debts.—The rights under a hypotheca or a ground debt are created by a record in the ground book. The recording of a hypotheca is effected at the ground book office.

(1) Recorded, if allowed by the owner, by stating the cause of indebtedness. Both this instrument and the declaration of consent to such recording must be reduced to writing before a notary public or in court. The debtor's consent to record must contain—

- (a) The name of a definite creditor.
- (b) The description and site of the real estate pledged.
- (c) The sum to be recorded as hypotheca.
- (d) The rate of percentage payable on the principal.
- (e) The manner in which interest shall be paid.
- (f) The date from which the payment of interest shall commence.

(g) The statement whether, and under what conditions, the creditor shall have the right to demand repayment of the principal secured by mortgage.

A hypotheca being thus recorded in the ground book, a letter of hypotheca shall be issued unless such issuance is waived.

(2) The recording of a hypotheca in the ground book is effected when the creditor, by virtue of a decreed and imposed judgment (*rechtskräftig*), by which the recorded owner of the real estate was condemned to create a hypo-

theca by the creditor's application for such record. Such a judgment can be rendered only when the creditor, in a bill of complaint against the owner, has proven the latter's obligation to create a hypotheca. This mode of recording, however, is not often chosen, as there is another and simpler method of effecting record, which will be described further on in this report.

Record of a hypotheca in the ground book is finally made —

(3) If a competent authority applies therefor against the recorded owner of the real estate, *e. g.*, a court may take this course to secure payment of costs of court. In this case the court applies on its own behalf, but it may also decree such record in behalf of others and as a kind of execution of judgment. Two instances may be given —

(a) The object for bringing an action at law for judicial sentence may be the creation of a hypotheca. If judgment is given in favor of the plaintiff, he may either apply for a certificate of judgment for the purpose of recording the hypotheca in the ground book office, or he may apply to the court to have the hypotheca recorded in the ground book by way of execution. Then the court requests the ground book office to record the hypotheca, which is done by the latter without requiring further steps to be taken by the creditor.

(b) Action may be brought for payment of a personal debt, *e. g.*, one created by agreements of sale, lease, or loan, but only if there is a question of payment of money. If here the plaintiff obtains a favorable judgment, he may apply for a compulsory execution against the defendant. If the latter owns real estate, the plaintiff may apply that the sum which the defendant was sentenced to pay be recorded as hypotheca on the ground book by way of execution.

The extent of rights acquired under the law of hypothecas and ground debt are as follows: Prussian common law provides that for the payment of recorded principal, recorded interest, and other recorded yearly payments, and for the cost of recording, giving notice, bringing suit, and collection, shall be liable: The whole real estate belonging to the mortgagee; all buildings on the estate, as well as those subsequently erected; the natural products (standing crops and hanging fruits); house and farm rents; immovable appurtenances and privileges; movable appurtenances belonging to the owner, so long as the same have not been disposed of (sold) and removed from the premises; all moneys paid by insurance companies for crops, movable appurtenances, and buildings, provided such moneys, under the terms of policy, shall not be applied for a rebuilding of the premises.

UNRECORDED INDEBTEDNESS.

It is not possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

RATIO OF INDEBTEDNESS TO TOTAL VALUATION.

In regard to the probable ratio which mortgages and judgments bear to the total valuation of taxable and assessed property, Dr. Martin Fassbender, in a treatise on "The Condition of Farmers," 1888 edition, says: "Un-

fortunately we still lack a perfectly reliable statistical compilation on the subject." Preser, in his publication, "Erhaltung des Bauernstandes" (preservation of the peasantry), Leipzig, 1884, thinks to commit no mistake in stating that 80 per cent. of the entire taxable real estate in the "German fatherland" is *verschachert*—that is, charged with mortgages scarcely redeemable on the part of the mortgageors.

Another German agriculturist, Dr. Jaeger, says:

We will scarcely fall short of the truth in estimating the amount of mortgages attaching to farming in the German Empire at a round ten milliards. What German farmers pay merely in interest to capitalists every year is a tribute of about five hundred millions of marks.

Stöpel thinks this sum too low, and fixes the amount of agricultural mortgages at twenty milliards, with an interest of a milliard.

All mortgages must be recorded.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages do not complicate or embarrass the transfer of land titles. On the contrary, the German system of mortgages simplifies and facilitates the transfer of land titles to a degree that raises gloomy apprehensions among German agricultural social reformers. H. Mahrann, royal Prussian councillor of Government, in a recent (1889) publication, "Der Landwirtschaftliche Nothstand" (the agricultural distress, its causes and its cure), gives some very instructive details on the subject. He says:

To contract debts was also in former times a favorite custom among land-holders, and, consequently, mortgages were constantly placed on the soil for any cause necessitating a gage, as both the creditor and debtor saw in the non-consumable and non-transportable character of land and premises the most advantageous security for effecting a traffic on credit. Forms of indebtedness, however, have since then undergone very trenchant changes. In those early times it was not forgotten that crops make a different return each year, and, therefore, all services and dues to be rendered by the land-holder to others were stipulated to be in fractions of the crop, as, for instance, in tithes. Even if the claims of the feudal lord, parson, or State were at times cumbrous, yet this sort of creditor, at least, was satisfied with portions of actual yields. Thus the profit of good years and the loss of bad years were borne in common. Similarly was it in case of sale, as, owing to a lack of money, sales for ready cash were rare. A vassal or foffeee on the estate to be disposed of was made liable to a yearly impost on every kind of fruit expected, regard being paid to short crops by the customary remission of the imposts in bad harvest years.

With this system of husbandry creditors and debtors could exist. But in the latter part of the eighteenth century and the first half of the present this system was entirely abandoned. Since then, mostly in consequence of direct legal constraint, all services to be rendered by farmers to the State, the lord, or to other creditors were changed into fixed pecuniary compensations, or rents, and the indulgence formerly practiced in bad harvest years entirely ceased.

With this system the rational and just relation between revenues and expenditures in the agricultural trade has been entirely annihilated, for the amount of revenue has continued to depend upon the casualties of crops and

prices, while the amount of expense has been fixed once and for all in the matters of interests, rents, annuities, etc. This alteration could have but one effect. In event of crop failures a disparity ensued between revenues and expenses which could be met only by pecuniary loans. As a result, each new loan only increased the disproportion already existing, and hence one loan led to another. Thus, in consequence of the separation of agricultural expenses and revenues, there arose a necessity for credit, first almost exclusively from failure of crops, but in cases where too frequent resort was had to this shift the necessity soon became chronic. To satisfy this want of credit mortgage and provincial real estate banks were founded, which gave money on the best terms possible for the time being. The State assisted these efforts to improve the credit of real estate by creating, as above described, in its ground book and forcible executions acts securities to agricultural creditors which no other means could effect.

Thus, as a remarkable consequence of the at present existing state of affairs, the agricultural soil has been burdened by an immense debt, the amount of which has not yet been ascertained statistically, but which is illustrated by the following figures of mortgages on real estate in circulation :

	Marks.
(1) The "Deutschen Landschaften" (Provincial real estate banks) had in 1886 mortgages in circulation for.....	1,824,000,000
(2) Prussian rent banks.....	323,000,000
(3) Prussian savings-banks.....	651,000,000
(4) German life insurance companies.....	674,000,000
(5) German money-lending banks.....	306,000,000
(6) German mortgage banks.....	2,111,000,000

These ever increasing sums must by no means mislead to the assumption that the national wealth has experienced an increase. It means nothing but a transmutation of immovable into movable values.

In short, while in days gone by the whole estate or farm, or its larger part, belonged to its possessor, now, in consequence of the easiness of becoming involved in debts, almost always the larger part is in the hands of the mortgagees, who belong to other vocations or professions. Among modern authors the origin of agricultural indebtedness was first recognized by Rodbertus, who says:

By far the larger portion of mortgages on real estate results, in Germany, where there exists great liberty in the matter of disposing of real estate, from changes of titles by sale, transfer, and partition under the laws of descent, and hence consisting of hereditary moneys and purchase moneys in arrears.

Laws such as our homestead law do not exist in Germany to embarrass or complicate the transfer of land titles, and the facilities offered for disposing of real estate are by experts considered to be a calamity to the farming industry, which is ever growing. Modern legislation has been bent to protect the creditor rather than the debtor. The idea of a return to certain forms of the old German laws is, however, being much discussed.

LIENS.

This question is partly answered by the latter part of the answer to the first interrogatory. Under the Prussian code the title to a lien can be created by declaratory acts of individuals and by the operation of law.

As to what sorts of claims entitle the creditor, without the consent of the debtor, to bring action for the creation of a lien, is difficult to explain, as the various transactions of business from which these claims arise fall under different headings of the Prussian code of common law.

From the legal title to a lien the legal title to a pledge must be distinguished.

(1) The Prussian code of common law recognizes the following legal title to liens:

(a) The seller of an immovable thing, who has reserved the right of ownership until the purchase money is paid, has the right to have this purchase money of the thing sold recorded in the mortgage book.

(b) The legatee has, in security for his legacy, a title to lien attaching to the estate left by the testator and to the property of the heirs, respectively.

(c) The husband has, as security for a legacy left to him by his deceased wife, a lien attaching to her estate.

(d) The divorced husband or wife to whom alimony is paid is, on that account, entitled to demand as security the property at large of the liable party.

(e) Children have a right to demand from their father about to conclude a second marriage that their property be recorded on their father's real estate. They have the same right as to their future legal shares in case of the divorce of their parents.

(f) If the person obliged to assume a guardianship refuses such assumption without legal cause, he must remunerate the person assuming guardianship and must suffer such remuneration to be secured by a mortgage on his real estate.

(g) A ward has the right to demand that the deficiencies in his property which a guardian represented and administered be recorded on the real estate of the debtor.

Furthermore, all legal claims the State or community (township, etc.) may have for taxes, imports, etc., create a lien both upon personal and real property.

(2) A legal (implied) title to pledge or pignus, according to the Prussian code is possessed by—

(a) The landlord and lessor to the effects brought in by the tenant and lessee.

(b) Innkeepers to the effects brought to the inn by travelers or sojourners.

Under the Prussian bankruptcy act the following (the more important classes are here mentioned) have the rights of pledges both within and without the state of bankruptcy:

(1) The State and community for taxes, imports, duties, etc.

(2) Landlords and lessors for rent and other claims arising from the lease, upon the effects and things brought in by the lessee or tenant.

(3) Innkeepers for claims for giving board and lodging, upon the effects brought to the inn by the guest.

(4) Artisans, laborers, etc., for claims arising from work done and disbursements upon the things made or repaired by them and still in their custody.

As to the creation of a pledge by means of execution of judgment, the German civil procedure act of January 30, 1887, provides that compulsory execution of judgment attaching chattel property be effected by seizure. This is not to be extended beyond what is requisite for the satisfaction of the creditor and the payment of costs. Seizure can not be resorted to if from the sale of things seized a surplus beyond the costs of execution can not be expected. By the seizure the creditor acquires a pledge on the articles seized.

INTEREST.

The rate of interest is $3\frac{1}{2}$, 4, and even 5 per cent.; or, on the average, from 4 to 5 per cent.

FORECLOSURES.

As has already been stated in my answer to the first interrogatory, if the debt be not paid at maturity, at the request of the mortgagee public notice is given three times by the competent court, a new term of payment being fixed, and if this new term elapses without the debt being paid, the real estate passes, under a decree of the court, to the mortgagee. Concerning the question of expenses, it may be stated that the amount of expenses consists of court fees, chiefly, graduated according to the value of the mortgage for the discharge of which action has been brought in court. Besides such fees, all disbursements made by the court for postage, notices in papers, stamp taxes, fees for witnesses and experts, etc., are to be added to the amount of expenses.

PARTIAL PAYMENTS.

The Prussian code gives, under the title "payments," a summary answer to this interrogatory by providing as follows:

The creditor shall, except in cases of bills of exchange, have no right to bring suit for payment at an earlier date than the day stipulated. He can not be compelled to accept partial payments. From the mere circumstance that the creditor accepted partial payments there follows no implicit prolongation of the term of payment as far as the payment of the balance of the indebtedness is concerned. In cases where a creditor can, under the law, where there is a plurality of debtors, demand a certain portion from each debtor, he is obliged to accept from each debtor the respective portion.

In which instances a judge can compel a creditor to accept a partial payment is determined by the civil procedure act, *e. g.*, in case of payment of bills of exchange.

CANCELLATIONS.

Cancellation takes place if (1) a release or discharge deed or receipt, or a permit to such release or discharge, drawn up or authenticated in court or

before and by a notary public, made on the part of the mortgagee or ground book debtor, be produced, or such discharge or receipt be declared to at the ground book office; and if (2) the recorded owner of the real estate requests that the mortgage or ground debt be canceled. Such motion can be replaced only by the request of a competent authority for cancellation. For instance, the court having cognizance may request cancellation by way of forcible execution.

F. RAINE,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Berlin, July 5, 1889.

BAVARIA.

REPORT BY CONSUL MEALEY, OF MUNICH.

EXPLANATORY.

In answer to the inquiries contained in the Department circular concerning recording of indebtedness, etc., I beg leave to report that in this consular district there are a number of subdivisions of Bavaria; that these subdivisions are many of them old divisions of the land belonging to or being governed by different authority in olden times, and have retained many peculiarities in their laws and customs, making each one very different; and in no particular is this difference greater than in real estate matters and all the processes of law relating thereto. There is now pending before the Bavarian legislative body a law which seeks to bring about a uniformity in such matters for the Kingdom of Bavaria, but it has not yet been enacted.

RECORDED INDEBTEDNESS.

The system of recording indebtedness on real estate is about the same as in the United States, viz: A book is kept by the proper official, wherein are recorded the transactions that affect real property, such as mortgages, liens, judgments, transfers, etc., but these books are not open to the public; only the notaries and other officials are allowed access to them, or persons who have the necessary permission showing their interest in the inquiry sought to be made.

I can find no trace of any such thing as a chattel mortgage. When personal property is the security for a loan the property itself passes into the possession of the person making the loan, making it virtually a pawnbroking transaction.

I have been unable to ascertain the probable ratio mortgages and judgments bear to total valuation of taxable and assessed property.

All mortgages must be recorded.

Mortgages complicate the transfer of land titles somewhat, but not much or any more than is sometimes the case in the United States.

It has been impossible for me to ascertain, but from observation here I think that in Munich the mortgages have increased proportionately more than values, there having been for some time past a very considerable increase in building operations, which still continues, and the use of mortgages to provide means for such improvements has been very considerably made use of.

UNRECORDED INDEBTEDNESS.

It is not possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

LIENS.

I can find no mode of putting liens on personal property, except by the usual course of a judgment of the court and the subsequent action of the executive officer of the court when he puts the seal of his office on the personal property, and thereby designates that there is a lien existing, which he proceeds to realize upon by public sale. But there are exemptions embracing different articles, but the chief idea in the exemptions is to spare the tools necessary for securing a livelihood.

INTEREST.

The rate of interest on mortgages, etc., is a matter of contract always, and varies from $3\frac{1}{2}$ to 7 per cent.; but 5 per cent. may be said to be the prevailing rate on such security as mortgage. The legal rate on judgments is 5 per cent.

FORECLOSURES.

When default occurs the matter is then placed in the keeping of a lawyer, who proceeds to foreclose according to the requirements of the law, make sale, and pay the costs of the proceedings, and these vary, as a rule, the expenses not being so great as in the United States.

PARTIAL PAYMENTS.

All partial payments on mortgages must be recorded, and the debtor has full credit and advantage of such payments in case of final default.

CANCELLATIONS.

The parties must appear before a notary public and acknowledge the release, which is then filed by the notary.

EDWARD W. MEALEY,
Consul.

UNITED STATES CONSULATE,
Munich, August 14, 1889.

BRUNSWICK.

REPORT BY CONSUL SPALDING.

RECORDED INDEBTEDNESS.

There are six kinds of recorded indebtedness, such as mortgages on real and chattel property, liens, and judgments, both decreed and confessed, prevailing in this district.

(1) *Hypotheken*, which are mortgages on real estate with the guaranty of the mortgageor. They are practically the same as our bond and mortgage in the United States.

(2) *Grundschedbriefe*, or ground debt pledges, which are mortgages on real estate without the guaranty of the mortgageor. In these cases the real estate so mortgaged or pledged is alone liable for the debt so secured.

(3) *Faustpfände*, or dead pledges, which are similar to the chattel mortgages in some of the United States, with this difference, however, that here the chattels so mortgaged are passed into the possession of the mortgagee, who becomes the absolute owner of the said chattels until the same are redeemed according to the provisions of the said *faustpfänd*, or chattel mortgage. At the option of the mortgagee, however, the mortgageor may continue to hold and make use of the chattels so mortgaged. When this occurs, as it frequently does, the system works practically the same as with us in those States where chattel mortgages are lawful.

(4) Judgments, both decreed and confessed.

(5) General assignments for the benefit of creditors, as in the United States.

(6) Special assignments of one or more pieces of property, or one or more assets of any kind, for the benefit of one or several creditors, as in the United States.

RATIO OF MORTGAGES TO TOTAL VALUATION.

The probable ratio that mortgages and judgments bear to total valuation of taxable and assessed property is from 25 to 33⅓ per cent. At least, such is the opinion of those with whom I have consulted who are best qualified to judge, but it is only an opinion, and is not based upon an actual examination of the records. Such examination could only be made at great expense of time and money, if allowed at all.

INCREASE OR DECREASE OF MORTGAGES.

I have no data from which to give a definite answer to the question relative to the increase or decrease of recorded indebtedness. Those with whom I have consulted who are best qualified to form an opinion claim that while there seems to be no material change of late years in the relative proportions the tendency here is towards an increase of recorded indebtedness in proportion to estimated values.

Nos. 110 and 111—5.

UNRECORDED INDEBTEDNESS.

I have no data within my reach from which to establish, with any degree of certainty, the probable proportion existing between recorded and unrecorded indebtedness.

LIENS.

Liens can be placed upon personal property, including crops, either by confession of judgment, general or special assignment, or *faustpfände* (the chattel mortgages above described). The entire property of the debtor, real and personal, and also his salary or income, in part, are subject to execution on a judgment decreed or confessed, as well as on the foreclosure of a bond, excepting the following exemptions from seizure under a law of the German Empire, to-wit:

(1) Wearing apparel, furniture, kitchen utensils (especially heating and cooking stoves), to the extent that these articles are absolutely necessary to the debtor, his family, and his domestics.

(2) Food and fuel sufficient to supply the wants of the debtor, his family, and his domestics for a period of two weeks from the time seizure is made.

(3) A milch cow, or, instead of same, two goats or two sheep, at the option of debtor, with fodder and straw enough to feed and bed the same for a period of two weeks from time of seizure, providing that said animal or animals are necessary to the support of the debtor, his family, and his domestics.

(4) When artists, artisans, mechanics, and midwives, the implements necessary for the exercise of their trade or calling.

(5) When farmers, such cattle, implements, manures, and agricultural productions as may be necessary for the cultivation of the farm of the debtor until the next harvest.

(6) When officers of the army or navy, civil officials, clergymen, teachers in public educational institutions, lawyers, and doctors, the implements necessary to the service or profession, together with the appropriate clothing.

(7) When officers of the army or navy, clergymen, or teachers in public educational institutions, or civil officials, a sum of money equivalent to the amount of the salary or pension not liable to seizure, from date of seizure till next regular payment of said salary or pension.

(8) When apothecaries, the implements, vessels, and wares necessary for conducting their business.

(9) Orders and badges of honor.

(10) Books for the use of debtor and his family at church and at school.

From the debtor's income there are the following exemptions from seizure under a law of the German Empire, to-wit:

(1) All wages of artisans, mechanics, or workmen.

(2) All legally adjusted claims for alimony.

(3) The regular and continuous income a debtor receives through legacies or through the care or generosity of a third party, in so far as such income is necessary for his support, or that of his wife, or for such of his children as are not otherwise provided for.

(4) Moneys received from charitable unions or institutions, particularly from trades-unions, to meet expenses caused by illness or death.

(5) Salary or pension of under officers and soldiers.

(6) The income of all military or naval persons belonging to a detachment of mobilized troops, or to a man-of-war in active service.

(7) The pensions of widows and orphans, and the moneys coming to them from widows' and orphans' relief funds, the pensions of united workmen, and all stipends for educational purposes.

(8) The salaries of military and naval officers, and of civil officials and clergymen, and of teachers in public educational institutions, and their pensions after their temporary or permanent retirement from service, and also the pensions allowed to their heirs after their death.

If, in the cases mentioned in paragraphs Nos. 7 and 8, the annual salary, pension, or income of the debtor exceeds the sum of 1,500 marks (\$357), one-third of the excess over that sum is liable to seizure.

The salary and perquisites of debtors holding permanent private situations are only liable to seizure when the total yearly amount thereof exceeds the sum of 1,500 marks (\$357).

In the cases mentioned in the last two paragraphs seizure is admissible without regard to amount of income when the seizure is moved for in behalf of the debtor's wife or legitimate children on account of alimony.

INTEREST.

The present rate of interest on mortgage paper in this consular district is from $3\frac{1}{2}$ to $4\frac{1}{2}$ per cent., according to the relative value of the security given and to the bargain that may be made between the borrower and lender; but should the rate agreed upon be higher than the prevailing rate the lender would make himself liable to prosecution for usury, the courts being the sole authority here as to what constitutes usury. On judgments the rate of interest fixed by law is 5 per cent.

FORECLOSURES.

Mortgages are foreclosed by action at law. The expense attending their foreclosure within the German Empire is, to a certain extent, governed by the amount involved. The following table shows the regular fees of the court and of the attorney on several sums ranging from \$300 and under to \$20,000, valuing the German mark at 23.8 cents our money. The following table shows the costs of foreclosures when no defense is made:

Table of costs in foreclosures of mortgages.

Amount of foreclosure.	Fees of court.	Fees of attorney.	Amount of foreclosure.	Fees of court.	Fees of attorney.
\$300.....	\$10. 85	\$6. 85	\$5,000.....	\$42. 84	\$90. 00
500.....	14. 28	8. 57	10,000.....	74. 25	28. 27
1,000.....	17. 76	10. 28	15,000.....	102. 81	35. 35
2,000.....	25. 71	13. 70	20,000.....	134. 23	42. 41

PARTIAL PAYMENTS.

All payments must be recorded, and the debtor receives the benefit of all payments made, though he may default in part.

CANCELLATIONS.

On the margin of the original mortgage a certificate is made that the mortgage has been paid and canceled, which certificate is signed by the judge and the clerk of the court and the seal of the court affixed, and the body of the original mortgage is also cut crosswise in the middle with an instrument made for that purpose. The certificate also states the page of the register in which the mortgage is recorded and canceled; also, on the margin of the register where the mortgage is recorded, a certificate of the payment and cancellation of the mortgage is made and signed by the judge and clerk of the court and the seal of the court affixed.

L. AUSTIN SPALDING,
Consul.

UNITED STATES CONSULATE,
Brunswick, September 16, 1889.

RHENISH PRUSSIA.

REPORT BY CONSUL WAMER, OF COLOGNE.

RECORDED INDEBTEDNESS.

In the Rhenish province of Prussia the code civil, which went into force at the time when the Rhineland had been under the French Government, still furnishes essentially the material for the subject here under consideration. In the meantime the system of the code civil has undergone frequent changes, especially through the law of May 20, 1885, concerning the sale and mortgaging of lots and parcels of lands (*grundstücken*) within the district (*geltungsbereich*) in which the Rhenish law is in force—"Gesetz über die Veräußerung und hypothekarische Belastung von Grundstücken im Geltungsbereich des Rheinischen Rechtes vom 20 Mai, 1885." This law, for instance, is not applicable in the four following districts in the Rhenish province of Prussia: Essen, Duisburg, Mülheim-on-the-Ruhr, and Rees. The Prussian common law and the Prussian registration law are applied to these districts. Neither is it applicable in the two districts of Neuwied and Altenkirchen, where the so-called Roman law and the Prussian registration law are in force.

The Rhenish real estate (*immobilar*) law makes a distinction between "privileges" (*privilegien*) and mortgages. Privilege is a right granted by law, and only by law, but never by contract, decree, judgment, etc., to certain creditors whereby they secure satisfaction from the real estate of the

debtor before all other creditors, even before the mortgage creditors. Of the "privileges" on immovable property the following are the most important:

(1) The vendor of an immovable estate holds on it a privilege for the unpaid amount on the purchase money.

(2) The co-heirs on the real estate of the inheritance.

According to the law of May 20, 1885, these privileges are, in so far as third persons are concerned, ineffectual until they have been recorded in the *hypothekenbuch* (mortgage book); but if they are recorded, then the privileges take precedence over all mortgages, even if the latter had been previously recorded. The entry in the record book of mortgages (*hypothekenbuch*) of lots or parcels of land which are encumbered by privileges must be made exactly in accordance with the form given in the register (*kataster*) of real property.

There are three classes of mortgages: First, judicial mortgages; second, contract or agreement mortgages; and third, legal mortgages.

(1) *Legal mortgage*.—A legal mortgage is one to which the wife is entitled on the real estate (immovables) of her husband, in respect to all claims which she may have as wife against her husband, especially such as her dowry and every thing that may be made over to her by marriage contract. This mortgage does not proceed from a judgment or an agreement, but from rules prescribed by law. It is also, in accordance with the law of May 20, 1885, effectual, in so far as third persons are concerned, only after it has been registered in the mortgage books (*hypothekenbücher*). In case the marriage has been dissolved the registration must follow at the latest within one year. The legal mortgage of the wife is a general mortgage, that is, it embraces the entire immovable property of the husband. She can therefore make entry upon every piece of real estate that her husband possesses at the time, or thereafter acquired.

(2) *Judicial mortgage*.—Judicial mortgages issue from the judgments of any German court, but such judgments must be entered in the mortgage register. The judgment mortgage is a general mortgage, that is, it (the judgment) can be entered upon all the real estate of the debtor, including all those which he possesses at the time or may thereafter acquire. These mortgages take effect from the date of their registration.

(3) *Contract mortgage*.—The contract or agreement mortgages are such as are made by the debtors themselves by agreement, which can only be done by a notarial act. On the strength of this notarial act the mortgage is recorded. The agreement mortgage is not a general but a special mortgage, that is, entry can only be made on that part of the immovable estate of the debtor which is mortgaged by the notarial act.

ORDER OF THE PRIVILEGES AND MORTGAGES.

If the debtor fails to meet his obligations to his mortgage creditors, then the latter can have the immovable estate of the debtor under mortgage sold.

through the court at public auction (by subhastation). The proceeds of the sale are distributed among the creditors after the following order:

Satisfaction is first given to the holders of the privileged mortgages. They must, however, have been registered; when they were registered is of no consequence.

Then come the ordinary (not the privileged) mortgages. They come in rotation according to the date of their registration.

The real estate under mortgage, although it may pass into other hands, remains still in the indebtedness of the creditor. This transfer of the mortgaged real estate gives rise to no legal complication; it requires for the same no other formalities than those by which an encumbered real estate is transferred.

The mortgage embraces, in the first place, the real estate, then every thing which by nature may be considered as appertaining thereto, or which has been prearranged by the parties themselves, such as, for instance, the seeds sown, the fruit growing or hanging, as long as they grow and hang, the growing trees and woods, the bricked-in boilers of a factory, a loop railway line attached to a factory, etc.

RATIO OF MORTGAGES TO TOTAL VALUATION.

I am credibly informed that from 60 to 75 per cent. of the total assessed valuation of property in this city is covered by mortgage. I have found it impossible to ascertain the total valuation of the mortgages registered in the Rhenish province. But if it is asked to what extent real estate may be encumbered, the answer is that a debtor can execute as many mortgages on his real estate as he pleases, and a creditor who has a judgment can always register his claim upon the real estate of his debtor, regardless whether few or many registrations precede his. If it is asked to what extent real estate in this part of Rhenish Prussia may be encumbered without any risk, I would say up to two-thirds of its value, but not more. As already stated, mortgages in no way complicate or embarrass the transfer of land titles. With regard to Cologne, the mortgage debt has very much increased of late years, but the value of ground property has advanced a great deal more. Owing to the enlargement of the city of Cologne a large number of new buildings have been erected during the last five years, and which have required a considerable outlay of capital, but they represent in themselves a greater value.

UNRECORDED INDEBTEDNESS.

I am informed that it is impossible to get at the probable proportion of existing recorded and unrecorded indebtedness, that is, the proportion of the one to the other. But it must be specially mentioned again that there is no mortgage debt which is not recorded. An unrecorded mortgage has no value in so far as third persons are concerned. This applies not only to the privileged, but also to the ordinary mortgages.

LIENS.

The creditor can not only make himself paid out of the immovable property of the debtor, but also out of the personal property. He must first obtain a judgment, and on the strength of this judgment he can have a lien placed on the different objects of the debtor. Liens can also be placed on crops. Sufficient, however, must be left to the debtor to provide for his actual necessities of life. The law clearly defines what these necessities shall be. Since the passage of the law of May 20, 1885, all mortgages, privileged or not privileged, must be recorded.

INTEREST.

The rate of interest on the legal mortgage and the judgment mortgage is 5 per cent.; on judgments in commercial affairs it is 6 per cent. The rate of interest on the contract or agreement mortgages is that which is agreed upon, which varies. Six or seven years ago it was customary to agree to 5 per cent., but as the value of money has since declined, and money is easily obtainable, it can be had to-day at 4 per cent., and for very good mortgages even at $3\frac{1}{2}$ per cent.

FORECLOSURES.

By the sale of real estate the mortgage is not disposed of; it still encumbers the estate no matter into whose hands it may have passed. Formerly all registrations had to be renewed at the expiration of ten years, otherwise they lost their value. This, however, has been abolished by the law of May 20, 1885, already referred to.

The mortgages, ordinary and privileged, are discharged: (1) When the debt secured by the mortgage has been paid off; (2) when the creditor himself becomes owner of the real estate encumbered by a mortgage; (3) when the new possessor of the real estate has carried out the legal procedure by which the mortgage on the estate is made free (purgation procedure); (4) when the contract by which the debtor has come into possession of the mortgaged object has been dissolved by reason of the failure of the debtor to pay the purchase price of the real estate, but only that person in whose name the mortgage is registered has a right to sue for the discharge; (5) when the real estate on which the mortgage rests has been sold at public auction by order of the court, and in execution of judgment. The public sale of the property frees it from all mortgages, and the mortgage creditors receive, in place of the real estate, the sale price; (6) when the object mortgaged is destroyed by accident. In case of fire the mortgage takes hold of the insurance money. If the debtor fails to pay the mortgage, the real estate is sold, upon demand of the mortgage creditor, through the court, by compulsion, at public auction. The proceedings are carefully regulated by law, which require about four months to be executed. The expenses vary according to the value of the object. Altogether they range from \$50 to \$100. The party who has caused the sale to be made has to pay the costs, which constitute a part of the sale price.

PARTIAL PAYMENTS.

The creditor is not bound to accept partial payments, except when such have been agreed upon. If partial payments have been made with the consent of the creditor, the debtor can demand that the same be entered in the register to his credit. He can not, however, demand that the immovable estate be made free in part as partial payments are made. On the contrary, it remains encumbered to its fullest extent until the debt has been entirely paid off. Generally the reduction on partial payments is rarely ever recorded, but as a rule the debtor waits until he has paid all, for the reason that the costs of entering such reduction would have to be borne by him. If partial payments are allowed to the debtor, and should he be in arrear with one partial payment, then the creditor can, as regards himself, only claim this one partial payment. In most agreements it is expressly stipulated that in case a debtor should fail with one partial payment, then the whole becomes due.

CANCELLATIONS.

In reply to question 7 it is stated in detail how mortgages are discharged. The conditions therein indicated, in reference to the discharge of mortgages, do not, however, fully dispose of the inscription in the mortgage book. This has still to be canceled in a special manner, that is, the creditor must acknowledge the canceling before a notary. The creditor can also acknowledge this act through an authorized agent. The power of attorney given to the agent need not be a notarial act, but the signature of the creditor must be certified to by a notary. If the creditor has consented to a discharge, then the notary attends to the canceling of the mortgage at the registration or mortgage office. The expense of this proceeding, which amounts to about \$2.50, is borne by the debtor. If the creditor does not willingly consent to the canceling, then the debtor can bring an action against him for the purpose. The canceling would then be ordered by the court.

WM. D. WAMER,
Consul.

UNITED STATES CONSULATE,
Cologne, August 2, 1889.

CREFELD.

REPORT BY CONSUL POTTER.

RECORDED INDEBTEDNESS.

Mortgages and judgments covering real estate property are registered only in case such documents are made, executed, and sealed before a notarial officer. Judgments by confession before a notarial officer have equal validity with those obtained by decree of court. Liens upon personal property are not registered in the official bureau of records. Such liens have not the force and value of a mortgage and are not termed mortgages. Mortgages

upon real estate are not regarded as strictly valid unless made by, or executed before, a royal notarial officer. What is termed the "notarial form for mortgages" is, therefore, the prevailing form used by the business community.

The ratio which mortgages and judgments bear to total valuation of taxable and assessed property is difficult to determine, but in this locality it is estimated that taxable or assessed property is encumbered to the extent of 50 or 60 per cent.

All mortgages must be recorded. Liens which may be obtained in various ways upon personal property are not recorded.

Mortgages obstruct the transfer of real estate property only in case the amount named in the mortgage exceeds the value of the property covered — a circumstance not often occurring.

During the last six or seven years real estate in Crefeld has rapidly increased in value, and building enterprises have been extensive and numerous. Taking these facts into consideration, it may be safely said that, in proportion to estimated values, the recorded indebtedness of this manufacturing locality has but slightly increased.

LIENS.

Liens are placed on personal property, and include crops in a certain degree of ripeness; but such liens, confessed or otherwise, are not given as surety guarantied by contract. Property thus encumbered can only be seized under notarial acts or judgments. There are no exemptions to seizure of personal property after the debtor has consented, by contract or otherwise, to a lien being placed thereon.

INTEREST.

The predominating rate of interest in this district, at the present date, on mortgages is $4\frac{1}{2}$ per cent. ; on judgments 5 to 6 per cent.

FORECLOSURES.

Overdue mortgages can only be collected through process of foreclosure and sale at public auction. The legal expenses depend on the value of the property or the amount of taxes to which it is liable, and all such expenses must be paid by the purchaser. With a view of giving more accurate information as to the costs attending such proceedings an example is given from a bill actually rendered, as follows :

<i>Bill of costs.</i>		Marks.
Copy of titles and notice of demand.....		3.00
Presentation of same.....		2.50
Extract from the register showing taxes on land and copy of receipt of taxes.....		2.20
Extract from the register of mortgages, I.....		8.43
Extract from the register of mortgages, II.....		4.23
Order for seizure.....		19.70
Copy of same.....		2.50
Presentation of same.....		2.50
Transcription of same.....		2.70

Bill of costs—Continued.

	Marks.
Patent.....	6.80
Printing of same.....	6.00
Advertisement in public paper.....	33.20
Posting same.....	3.00
Presentation of same to the creditor.....	6.25
Presentation of same to the creditor and debtor.....	2.50
Official fees.....	36.00
Postage	1.00
Legal expenses of the auctioneer.....	22.25
Total.....	164.76

Equal to \$39.21; to be added, 1 per cent. stamp tax on the amount realized.

The items of expenses embraced in the foregoing list are always incurred in cases of foreclosure, whether the amount is more or less. There are additional percentage expenses, which, as an example, may be stated to be about as follows: When the sum realized is 10,000 marks (\$2,500)—For the court, 45 marks; for the attorney, 38.40 marks. When the sum realized is 20,000 marks (\$5,000)—For the court, 70 marks; for the attorney, 50.40 marks.

PARTIAL PAYMENTS.

Stipulations for the payment of mortgage or other indebtedness by installments are subject to conditions of contract or arrangement between creditor and debtor. If the debtor defaults in part, he loses the benefit of the stipulation of payments by installments, unless it has been especially provided in the instrument of indebtedness that the unpaid installments only shall be considered due when an installment has not been honored.

CANCELLATIONS.

The usual form of canceling recorded indebtedness is the certificate of the creditor executed before a notarial officer, and containing the latter's indorsement and seal.

J. S. POTTER,
Consul.

UNITED STATES CONSULATE,
Crefeld, July 11, 1889.

DÜSSELDORF AND ESSEN.

REPORT BY CONSUL PARTELLI, OF DÜSSELDORF.

RECORDED INDEBTEDNESS.

The several heads under which recorded and unrecorded indebtedness may be classed in this country are in general as follows, viz: Mortgages on real property, mortgages on personal property, assignments, judgments on real and personal property, loans, bonds judicial and simple, awards by arbitration, stocks and shares of corporations, bills of exchange and promissory notes, miscellaneous contracts under seal and not under seal for payments.

By virtue of a judgment, which in cases of reciprocity from other countries is also held good, the creditor may enforce a mortgage on any real estate belonging to a debtor, or may compel to be taken into the possession of an officer of the law personal chattels for the purpose of sale; or, allowing such chattels, such as, for example, stock in trade, to remain in the hands of a debtor, may enforce a bond with security for the payment of the debt.

The same may be done if the debtor has promised in a judicial or notarial bond to submit to arbitration without a judgment.

The voluntary consent of the debtor to surrender personal property subject to payment of the debt will be presumed if he allows the creditor to assume possession, and in the case of real property if the debtor consents to the registering of the claim in the doomsday or so-called *Grundbuch*.

Other legal rights to enter a lien and take possession of property, even without the consent of the owner, are regulated by articles 313, 314, and 315 of the code of commercial laws, which governs in this district the rights of principal and agent in matters relating to the carrying trade and other questions of that general character. Liens in ordinary affairs not commercial, such as claims for rent, matters of distraint, etc., are regulated by what is known as the law of *pfandrecht*, or mortgage or pledge.

The proportion of mortgages and judgments, which could be estimated a few years ago at about 40 per cent. of the total taxable value of property, has, on account of the great prosperity of the country, been reduced to from 25 to 33 per cent. of said taxable value, and in some cities of this district as low as 20 per cent. If a piece of property has been assessed by a sworn appraiser, a mortgage is considered secure for two-thirds the taxable value of farm lands and one-half the taxable value of city lots or dwellings, when duly executed and recorded. This is especially the rule for property belonging to estates of minors, and therefore such security is accepted by the courts. It is, however, an easy matter to borrow at rate of interest of 4 to 5 per cent. to an extent of two-thirds the taxable value of well-located city property at the present time.

In this connection it might be stated that there are no books kept or annual statements made of the assessed value of property, and in none of the official publications is a taxable valuation given. The assessment of values for taxation is regulated by the rent a property produces, or what rate of rent it would bring, and taxation is, therefore, based on the income. Taxation in this country is very high, extending to all classes of trade, business, and individuals, with a vested right on the part of officials to enter the business houses and dwellings and examine all records, books, and accounts, and the property, real or personal, for the purpose of assessing values; and in this respect the law is strictly enforced.

A mortgage on, or conveyance of, real property has only legal force after it is recorded in what is called here the *Grundbuch*, a provision of the "Code Napoleon" still in force. Great formality is observed in the recording and indexing, and the prevailing system has many recognized faults. A committee

of officials of the German Government are at this time at work on a new set of rules and regulations covering this whole subject to be submitted at the next meeting of the Rhenish Parliament for adoption. The records are kept here in two ways for the convenience of examining titles, both by lots and squares and according to names of ownership. A party owner is required to come forward and tell all he knows as to the piece of land or lot he is interested in, which is entered on the books with the title; he signs it, and it becomes a part of the history of the property.

Recording is not noted, as to the hour of the day a deed is received, but only the day, and it would appear to be an easy matter to perpetrate a fraud. Mortgages that are intended as first, or second loans must have such a statement in the body of the deed, and the security is taken as first, or second, or third, according to the said statement in the document, and not according to date of record. A first mortgage may be recorded two days after a second and still be the first security, according to the statement it contains, and so with a third mortgage.

MORTGAGE COMPLICATION OF LAND TRANSFERS.

Mortgages do not hinder or embarrass the transfer of property in the least. A party buying under the law must take the property subject to existing recorded indebtedness, and they do not hesitate to do so where the rate of interest is reasonable. It sometimes happens, however, that mortgages have a long time to run at a high rate of interest, with unwillingness on the part of the lender to receive his money. Sales have been prevented on that account, but not often.

In this city an unusually large number of new houses have been put up within the last four years, the population increasing during that time from 120,000 to 140,000 inhabitants. There is considerable speculation in real estate, with unusual activity in sales, and considerable money has been made out of these transactions. It has been stated officially that the increase in population and business during the past five years has been greater in Düsseldorf than any other city of the same size in Germany.

RATIO OF MORTGAGES TO TOTAL VALUATION.

Recorded indebtedness, which might be safely estimated four years ago at 40 per cent. of the entire property valuation in this district, has decreased within that time to about from 25 to 33 per cent. of the entire valuation, and in some cities of this district as low as 20 per cent. Taken in another sense, on account of the great prosperity in Germany, the progress that has been made in every direction, the activity of inland trade, and the good rate of interest nearly all the banks and organized stock companies are paying, confidence seems to be felt and loans are readily made to the extent of, from two-thirds to three-fourths the value of well-located real estate.

Every mortgage, according to Prussian law, must state the precise sum, which shall not be increased or diminished, except reduced by partial payment or increased by accrued interest, which is provided for by law.

In general, trade and commerce is better. Activity prevails in real estate, in building operations, and general bank business. Many mortgages have been paid and the total indebtedness, recorded and unrecorded, diminished within five years.

UNRECORDED INDEBTEDNESS.

It is not possible to arrive at a probable proportion of unrecorded indebtedness, but it may be safely estimated that the recorded indebtedness will amount to about from 25 to 33 per cent. of the entire taxable valuation of the real estate within this district. It would not be allowed by the court officials having charge to make an examination of the records for the purpose. The records are subject to inspection by interested parties owning real estate, and transfers of real estate and examination of titles are generally conducted through a regular Government notary, whose business it is to perform such duties, under regular fees provided by law, and who is held accountable for any mistake that he may make in the performance of such duties.

The sale and transfer of land in this country is a matter of much ceremony, and takes considerable time. A rule prevails in auction sales that the buyer is expected to deposit and pay 10 per cent. on the price of the land purchased to cover all expenses of title, notary fees, recording, etc., which is an additional cost he must bear, the surplus, if any, being returned to him. The seller receives his purchase money in full.

LIENS.

Liens can be placed upon all property, real or personal, of the debtor, including crops, both by preference and confession of judgment, and such property is subject to execution of judgment.

The act of confessing judgment creates a legal obligation against the entire estate, even binding claims due and unpaid, with certain exemptions, which are contained in paragraph 715, of the Civil Process Ordnung, article 5, law of January 30, 1887, and are as follows:

(1) Articles of clothing, beds, house and cooking utensils, heating apparatus, stoves so far as the same be necessary to the debtor, his family, and his servants.

(2) Necessary food and fuel for above for duration of two weeks.

(3) A cow, or, according to the choice of the debtor, two goats or two sheep, together with one week's fodder and straw for the same, so far as the above-mentioned animals be necessary for the nourishment of the debtor, his family, and his servants.

(4) The necessary articles for personal practice of the professions or trades of artists, trademen, and laborers.

(5) With country innkeepers, the necessary household articles, cattle, and field implements, together with necessary manure, also the produce which is essential to the continuance of the inn keeping to the next harvest.

(6) With army or navy officers, civil officers, clergymen, public school teachers, lawyers, notaries, and physicians, the articles necessary to the prosecution of their service or profession, also proper clothing.

(7) With army and navy officers, army surgeons, civil officers, clergymen and public school teachers, a certain sum of money, equal to that part of the income or pension not subject to lien, from the time of the attachment to the next date of payment of the income or pension.

(8) With apothecaries, the necessary tools, wares, and implements for the trade.

(9) Orders and decorations.

(10) Necessary books for use of debtor and family in church and school.

(11) Liens can be placed upon crops before they are harvested, but not earlier than one month before maturity of the same (paragraph 714, article 5, Civil Process Ordnung). Enough, however, for the use of the debtor must be excluded, as stated above.

The creditor can also include the claims which the debtor has against others, as stated before. The exceptions hereto are contained in paragraph 749 of the Civil Process Ordnung, article 5, and are as follows:

(1) Salaries or wages, according to the decisions of June 21, 1869. (Bundesgesetzblatt, 1869, page 242, and 1871, page 63.)

(2) Claims for alimony depending upon legal prescriptions.

(3) The income which a debtor receives from charitable institutions or otherwise by reason of the forethought or generosity of a third person, so far as the debtor needs it for support for himself, his wife, and his children unprovided for.

(4) Revenues from institutions of aid, especially from miners' associations.

(5) The income of persons belonging to the army who pertain to a mobilized troop or to the crew of a man-of-war.

(6) The pay and invalid pension of under officers and soldiers.

(7) Pensions of widows and orphans and revenues from funds for the relief of widows and orphans; also the pension of invalid workmen.

(8) The income of officers, army surgeons, naval officers, civil officers, clergymen, public school teachers; the pensions of these after their temporary or permanent retirement; also the pensions granted to their heirs.

When yearly revenues exceed 1,500 marks, in cases 7 and 8, the third part of the excess is subject to lien.

The income of persons in private life having a definite lasting position is only subject to lien when exceeding 1,500 marks yearly.

All property, therefore, upon which a lien has lawfully been placed or against which judgment is confessed, not exempted, is subject to seizure and sale for the benefit of the creditor by regular officers of the law who are appointed to perform such duties, receiving a percentage for services regulated by law.

INTEREST.

The prevailing rate of interest on mortgage paper is a matter of contract, and somewhat regulated by the security. Mortgage loans are generally made on first-class property at $3\frac{1}{2}$ to $4\frac{1}{2}$ per cent. interest per annum, and in cases

where the loan is upon two-thirds to three-fourths of the value of the property the rate is usually 5 per cent., though frequently $4\frac{1}{2}$ per cent. Judgments bear 5 per cent. interest under existing laws, and loans on commercial paper frequently 6 per cent.

Under this head might properly be mentioned usury, which is punishable by fine, and is left to the court to decide, in accordance with the merits of each case. Not only the parties interested, but any third party can prosecute for usury. The law in regard to a usurious rate of interest is evaded by commercial paper being sold at a discount from its face value, so as to bring a rate of interest equal to 8 per cent., or even 10 per cent. in many cases.

Within the last two years the rate of interest on a large amount of mortgage paper has been reduced from 5 to $4\frac{1}{2}$, 4, and $3\frac{1}{2}$ per cent., and the lawful rate of interest is now, mortgages as above stated, for common trade 5 per cent., and commerce 6 per cent.

FORECLOSURES.

Mortgages on real estate are foreclosed by action at law, and by virtue of a judgment which is applied for in each case. The expense attending such foreclosure is high-reaching, often 3 to 5 per cent. of the value of the property, and where defense is made the cost is considerable. The following table shows the regular fees of the court and of the attorney on several sums ranging from \$300 and under to \$20,000, valuing the German mark at 23.8 cents our money:

Amount of foreclosure.	Court fees.	Attorney's fees.	Amount of foreclosure.	Court fees.	Attorney's fees.
\$300.....	\$10.85	\$6.85	\$5,000.....	\$42.84	\$19.00
500.....	14.28	8.57	10,000.....	74.25	28.27
1,000.....	17.76	10.28	15,000.....	102.81	35.35
2,000.....	25.71	13.70	20,000.....	134.23	42.41

The above shows the costs in cases only where no defense is made to the foreclosure.

PARTIAL PAYMENTS.

Partial payments on mortgages, liens, judgments, or other obligations can be made. In most cases the sum paid must be recorded in the doomsday or *Grundbuch*. The debtor does not lose any benefit if he default in part, but he must pay interest for the time of delay.

CANCELLATIONS.

The canceling of a mortgage on demand of the debtor follows if the creditor declares in writing that it has been satisfied, and it is finally perfected by virtue of a judgment of the court. The form of canceling is as follows: The original document has a certificate entered on the margin that it is paid, day and date entered, and signed by the judge and clerk of the court, whose seal

and certificate are also affixed. It is cut through the center with an instrument used specially for that purpose; and on the books where the mortgage is found recorded a like certificate is added, signed and sealed by the judge and clerk of the court.

D. J. PARTELLO,
Consul.

UNITED STATES CONSULATE,
Düsseldorf, September 21, 1889.

ELBERFELD.

REPORT BY CONSUL FÖRSTER.

RECORDED INDEBTEDNESS.

In this consular district the prevailing systems of recorded indebtedness are mortgages on houses or other real estate, as well as on chattel property. First mortgage always preferred. Mortgages by decrees of courts are of rare occurrence. In commercial life it frequently happens that mortgages are given as collaterals to secure cash loans from banks, etc.

As to the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property, as a general thing it is customary to loan on dwelling-houses from 50 to 60 per cent.; on buildings for industrial purposes, as breweries, mills, factories of all descriptions, 40 to 50 per cent.; on lands, 70 to 75 per cent. of the total assessed valuation. If a mortgage is on a decree of the court, the actual value of chattel or personal property is not considered at all, but the whole amount is entered without regard to previous debts. The first mortgagee in all cases enjoys the privilege of having paid to him two years' interest before any other debt can be paid.

All mortgages must be recorded, otherwise they will not be valid.

The purchaser accepts all mortgages that may have been entered on real estate. The transfer of title is neither complicated nor embarrassed thereby. Transfers will be easily made in due proportion to the greater or lesser encumbrance. The recorded mortgages, generally, keep pace with the values as set forth above. If the property increases in value, a higher percentage will be obtained; if it diminishes, a lesser percentage. It does not follow, however, that the indebtedness will also increase in proportion; but, on the contrary, an honest debtor will always try to lessen the burden of his encumbrances whenever his circumstances will permit him to do it.

UNRECORDED INDEBTEDNESS.

There is no possible way by which to determine, with any degree of accuracy, the proportion of existing recorded and unrecorded indebtedness.

LIENS.

According to the laws of Germany liens are placed on personal property, which is always subject to execution of judgment, with the exception only of

the most necessary household goods, bedding, and wearing apparel. Exempt from such execution for one family are one heating or cooking stove, one bed, one table, one chair for each adult person, one wardrobe, and the absolutely necessary wearing apparel. All other personal property, including growing crops, is subject to execution. The landlord always has a first lien for rent due, then follow wages due laborers, hired persons, servants, clerks, etc., and then all other creditors in the order in which their demands may have originated. The customary rate of interest is 4 to 5 per cent., although the law allows 6 per cent. on judgments.

FORECLOSURES.

No judgment, no bankruptcy, nor "forced sale" (under power) can set aside or make imperative any recorded mortgage.

PARTIAL PAYMENTS.

No provisions are made by law as to partial payments, which are entirely left to be agreed upon by creditor and debtor. Agreements entered into by which the debtor may lose the benefit of former payments if he defaults in part are looked upon as being immoral, and are prohibited by the usury law.

CHARLES FÖRSTER,

Consul.

UNITED STATES CONSULATE,

Elberfeld May 29, 1889.

HAMBURG.

REPORT BY CONSUL JOHNSON.

RECORDED INDEBTEDNESS.

According to the record of taxes, the total valuation of taxable and assessed landed property within Hamburg territory, except the small country districts of Ritzebüttel and Bergedorf, amounted, in 1888, to 1,742,300,000 marks. It will be necessary, however, to call attention to the fact that said valuation of capital is obtained by transforming the rent, or, respectively, in cases of property used for agricultural purposes, the net profit, fixed by taking an average, into capital by calculating $3\frac{1}{4}$ per cent. as interest thereon; and that above sum does not represent the actual purchase value, which, as a general rule, will be found much lower within the city boundary, but which is supposed to be much higher in the country on account of the many building lots not used and paying low taxes.

The indebtedness of said grounded estate by means of recorded mortgages amounted to 926,260,000 marks, being 53.2 per cent. of the valuation of property.

The recording of liens is only necessary and only admissible on landed property and on such vessels, which, according to Hamburg law as regards

Nos. 110 and 111—6.

execution, will form part of the real property. Ground property includes the piece of ground itself, all its parts and appurtenances, the increase thereof, its usufructs, and products. The following table shows the total valuation of landed property, the mortgages, and interest thereon within Hamburg territory:

Year.	Valuation.	Mortgages.	Percentage.
	<i>Marks.</i>	<i>Marks.</i>	
1877.....	1,227,000,000	732,000,000	60
1883.....	1,406,000,000	866,000,000	62
1888.....	1,742,000,000	926,000,000	53

Mortgages do not embarrass or complicate the transfer of land titles.

UNRECORDED INDEBTEDNESS.

It is impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness, as unrecorded liens or mortgages in landed estates do not exist, and because the amount of any claims and liens on movables can not be obtained.

LIENS.

A lien on real property is established in Hamburg by recording same in the public register of mortgages pursuant to the act respecting real property and mortgages, dated December 4, 1868. A lien is likewise established on sea-going vessels and river crafts of a gross burthen of 50 cubic meters and upwards by recording the claim in the shipping registers pursuant to the act dated April 27, 1885. No lien is formed on movables by mere contract, but only through establishing a dead pledge by means of transfer of title on property.

Any property is subject to execution by virtue of decree of court and other executory titles, especially including any notarial deeds by which the debtor submits himself to immediate execution as regards his fulfillment. Exemptions from this rule are mentioned in section 715 of the German code for civil actions.

INTEREST.

The rate of interest on mortgages varies at present from $3\frac{1}{2}$ to 5 per cent. per annum, according to the position of the item, being either of first, second, or third rank; under certain conditions the rate is sometimes even higher.

FORECLOSURES.

The sale of mortgaged landed estate, for reason of enforcing the payment of a claim under mortgage, can only take place through interference of a court of justice. The costs vary according to the height of claim under mortgage, and according to the value of the respective landed estate. They are formed by different items.

PARTIAL PAYMENTS.

According to act the claims on mortgages will only be taken into consideration according to the record made in the record of mortgages. In cases of part payments it will therefore be necessary to cause the canceling of a corresponding amount in the said register.

CANCELLATION.

The canceling of a recorded indebtedness in the register of mortgages can only be effected by reason of a declaration to that effect made by the creditor or his representative at the office of the recorder of mortgages.

CHAS. F. JOHNSON,

Consul.

UNITED STATES CONSULATE,
Hamburg, August 22, 1889.

PRINCIPALITY OF REUSS.

REPORT BY CONSULAR AGENT NEUER, OF GERA.

RECORDED INDEBTEDNESS.

In Germany the law maintains that a mortgage is a simple lien on the property, and as such is only given into the custody of the mortgagee, while in England and the United States the proprietor or owner divests himself of his right of ownership, reserving, however, the right of redemption.

As regards the acquirement of mortgages, they may be divided into such of—

(1) Married women, being entitled to a mortgage on their husband's real property to secure their chattel property brought in marriage, of which a fixed amount has to be given. This right can be procured by either of the following parties: (a) The woman's parents, and in case of their decease her grandparents; (b) her husband, even without the consent of the woman; (c) her children, and after their death their descendants; (d) the *heimathsbehoerde* (home magistrate) of the woman, if it can be attested that the maintenance of the family becomes endangered by a perceptible decrease of the husband's property.

(2) Minors and all other persons under guardianship having the privilege of demanding a mortgage as a guaranty for their claims accruing from the management of their property, provided that the guardians are by law or judicial decision not exempt from this obligation. The supervision of the registration of this kind of mortgage is an incumbency of the court of guardianship, having also to determine the amount of the security, which shall be equivalent to: (a) The amount of the annual income the guardian collects for a person under guardianship, less the requisite expenses for the maintenance and education of the latter; (b) the amount of capital and the value of jewelry, bonds, or other obligations the guardian has under control

and direction; (c) the amounts in account the guardian has charge of. The guardians have the right to substitute another security in the place of a mortgage.

(3) Children. If their property is managed by their father or mother, they have a legal claim to a mortgage on the real property of either of their parents as a security, under the following restrictions and provisions: (a) If a father or mother is not only entitled to the management, but also to the usufruct of the property of the children, the latter can not claim a security. Exceptionally they are justified in doing so if it is apprehended that through bad housekeeping or a precarious condition attending the state of parental property they might sustain losses. In this case the amount of the mortgage should be equivalent to the value of the children's movable property being in the father's or mother's custody; (b) if neither of the parents enjoy a usufruct, their children are entitled to the same privilege which, according to No. 2, is provided for persons under guardianship; (c) if the children are still under age, or for other reasons render guardianship necessary, their guardians or the court of guardianship has to take care of their title.

(4) The State authorities, church organizations, communities, schools, and other public institutions may claim a mortgage from their servants, managers, or collectors, in order to be secured in case of irregularities on the part of these persons. The value of the security depends upon an agreement between the contracting parties. In case of disagreement the provisions under No. 2 are, analogically applied, decisive. The mortgageor has the right to demand a diminution of the value of his security, while the mortgagee may claim an additional security, according to a reduced or increased responsibility.

(5) Heirs may claim a mortgage on the immovable property left by inheritance as a security for the cash money they are, in compliance with the last will of the testator, entitled to. Persons bequeathed with a legacy or a donation may act likewise.

(6) All creditors, without distinction, have a right to demand a mortgage for adjudged or such claims on account of which execution can be issued. The registration of the amount of indebtedness on the part of the *hypothekenamt* (office of mortgages) is identical with the completion of the execution.

Only mortgage liens on real estate are subject to compulsory registration. Owners of real estate desiring to mortgage the same must give notice to the office of mortgages and prove their ownership. The mortgages, without distinction, have no legal force until the registration has been effected in due form. The registration of a mortgage may be provisionally taken notice of in the respective register. Such a proceeding, however, has not the full legal force of the final registration, and will be inefficacious if the mortgageor becomes bankrupt before the recording has been duly effected. It is not allowed to have an indebtedness on single appurtenances or parts of real estate recorded. The mortgage embraces the whole property—all its parts, appurtenances, growth, as also its natural and industrial fruits (*fructus natu-*

rales et industriales). Mortgages must be recorded in the village or town in or near which the mortgaged property is situated.

RATIO OF MORTGAGES TO TOTAL VALUATIONS.

Real estate may be mortgaged without regard to value. Whether the amount of the mortgage is equal to the real value of the property or not, only concerns the parties interested. Hence no indemnification can be claimed from the office of mortgages in case of losses. The mortgagee has, however, the right and opportunity to examine the value of the mortgaged property at all times. An investment made on real estate is considered first-class if the security is double the value of the mortgage. In the case of ground property even three-fifths of the value is considered a good investment. This is the rule; there are exceptions, however. Speculators purchase land and construct houses thereon, all with money obtained on mortgages.

Under these circumstances the mortgaged amount sometimes exceeds the real value of the property, and losses are the consequence. Rural estates are often very much encumbered and eventually are sold at auction. First mortgages are frequently taken by savings-banks. For trust funds and investments of the surplus funds of insurance companies and other corporations who by the nature of their business have to accumulate reserves first mortgages are favorite securities.

MORTGAGE COMPLICATION OF LAND TRANSFERS.

Houses and ground property are sold more easily if a fair amount is mortgaged. There are exemptions, however. Mortgages will complicate or embarrass the transfer of titles if there are extraordinary privileges connected therewith, as, for instance, the right to sell, resell, and inhabit a property, the enjoyment of rents, etc.

INCREASE OR DECREASE OF MORTGAGES.

As far as industrial places are concerned there is no doubt that the prosperous condition of most of the industries, besides a remarkable increase in the value of property and the continual decrease of the rate of interest, are diminishing recorded indebtedness in proportion to estimated values. The reverse is the case with landed estate. It is a well-known fact that many peasant farmers have become embarrassed by the large falling off of their incomes from agricultural lands owing to the severe competition of foreign cereals as well as bad harvests. Estates are encumbered to secure marriage settlement and portions to younger children. All these circumstances have rendered the farmers' condition unenviable and increased recorded indebtedness in proportion to estimated values.

LIENS.

As regards personal property there exists, according to law, only a *pfaudrecht* (right of pawning). In compliance therewith property is taken pos-

session of by those advancing money thereon. Especially municipal institutions (*lihhaeuser*) have the privilege of lending money on movable property. Judgments afford no security over the personalty of a debtor until such property has been attached in execution. As on all movable property, so are by confession of judgment liens placed on crops. In case of execution, however, that part of the crops which is necessary for the purpose of cultivating the farms and keeping them in good order up to the next harvest is exempt from being seized. Under similar circumstances mechanics are allowed to retain the tools for the exercise of their profession. Exempt from execution are garments, beds, and furniture, especially stoves, in as far as these objects are indispensable to the debtor, his family, and servants. Not subject to execution are, moreover, two weeks' means of subsistence and fuel. People being in possession of domestic animals are allowed to retain a milch cow, or, if they prefer, two goats or sheep, besides two weeks' food and straw. Exempt from seizure are, furthermore, such farming implements as well as that part of the movable property which is an absolute requisite of the farmer. Landlords are by preference entitled to the retention of the furniture and effects in the houses and shops of their tenants for non-payment of rent. Forwarding agents and all transportation companies may likewise retain deliverable goods in case the consignee fails to pay the charges thereon.

INTEREST.

The prevailing rate of interest on first-class mortgages is 4 to 4½ per cent. Second and third mortgages bear from 5 to 6 per cent. Municipal institutions are paid 12 per cent. interest per annum for money lent on pawns, which are subject to public sale if they are not redeemed within six months' time. In the case of judgments there is allowed 6 per cent. per annum, and 5 per cent. for other claims. In this connection I beg to call attention to some of the procedures for the purpose of establishing a claim. When a complaint is made upon the basis of an acceptance becoming due and unpaid the latter is protested through a notary public, when, upon immediate proper application to a court, a mandate is issued upon the obligated person, according to which he, as defendant, is required to discharge the claim within a few days from the time of judgment. After this time has elapsed execution may be applied for to the court, upon the granting of which the seizure of the debtor's property can be made. After the seizure follows the public sale of the articles seized, the proceeds of which are paid to the creditor according to the amount of his claim. When, however, the creditor holds no acceptance in hand an examination as to all circumstances in respect to a complaint must take place before a competent court, which, according to the amount of the claim, is more or less tedious and difficult, for only after the conclusion of the examination and the production of necessary proof will judgment be given, upon the strength of which execution, as before described, will take place. These proceedings may, however, last for many months when attended by circumstances of a complicated character, or when action is brought against an op-

ponent in possession of great artifice in chicanery. But where the debtor raises no objections the case comes to a prompt settlement.

FORECLOSURE.

If the interest or installments on mortgages are not duly paid, it gives the lender the right to seize and sell the encumbered property. In case real estate, either through failure or indebtedness, is subject to a sale under power all mortgages thereon become null and void and all claims payable at the time of adjudication. Should the price obtained for the property be insufficient to cover the loan the creditor can attach any other real property of the debtor that is free from lien, or, in default of his having such estate, or that its value is insufficient to meet the debt, proceedings can be taken against the debtor personally for the deficit.

The expenses accruing from recorded indebtedness are as follows: For registration of a mortgage, 10 marks (\$2.38) per 3,000 marks (\$714); for canceling of a mortgage, 4 marks (95 cents) per 3,000 marks (\$714). The charges for the transfer of titles amount to 12 marks 50 pfennigs (\$2.97) per 3,000 marks.

If mortgages are foreclosed by action at law and the property is subject to a sale under power, there are to be paid for law expenses 135 marks (\$22.13) of an amount up to 10,000 marks (\$2,380), and 10 marks (\$2.38) for each additional sum of 2,000 marks (\$476) of the purchase money, besides costs for advertising, clerks' and lawyers' fees, and sundry other charges of minor importance.

PARTIAL PAYMENTS.

Partial payments on mortgages may be receipted on the respective indentures without this being recorded. Should the debtor insist upon their registration the creditor has to comply therewith. The latter often protects himself against a tardy debtor by insertion of the clause that in case default shall be made in the payment of an installment the whole of the principal sum becomes immediately due and payable. An agreement according to which former partial payments should be considered void would not be tolerated by law.

CANCELLATIONS.

A mortgage is canceled (1) at the expiration of the time agreed upon; (2) if the property is destroyed; (3) in case of sale under power; (4) in consequence of essentially changed conditions; (5) if the creditor renounces the debt; (6) in case of payment of the debt; (7) if the debt is declared null and void. For the purpose of canceling a mortgage the contracting parties personally apply to the mortgage office, the mortgagee declaring that he has no more claim on the property in question. In case the latter is unable to appear in person also a certified attestation, stating the discharge of the debt or engagement according to contract, and the surrender of the indenture are sufficient. A separate column is reserved in the mortgage register for cancellations. All mortgages being numbered, the statement of the relative number

on the folio of the indebted property and the additional remark "is canceled" is the ordinary form for cancellations.

UNRECORDED INDEBTEDNESS.

In order to ascertain the total amount of unrecorded indebtedness and thus arrive at its proportion to recorded debts there is no reliable source. Not even an approximate estimate can be made in this respect. Only in the case of single individuals, and especially merchants, the whole indebtedness may be found out. To attain this object application is made to so-called *Auskunftsbüreaus*, which are similar to our mercantile agencies, and though the information given by these institutions is not in all cases reliable, it is generally depended upon, and serves as a basis of credit in commercial circles.

CHARLES NEUER,
Consular Agent.

UNITED STATES CONSULAR AGENCY,
Gera, July 12, 1889.

RHINE PROVINCE.

REPORT BY CONSUL PARSONS, OF AIX-LA-CHAPELLE.

RECORDED INDEBTEDNESS.

In this consular district (the Government district of Aix-la-Chapelle, Rhine Province,) the French law is in force as regards mortgages on real property. This French law, however, in course of time, has been modified in many respects. A substantial alteration is the gradual introduction in the Rhine Province of the *Grundbuch* (law of April 12, 1888,) and the civil law now in preparation for the entire German Empire (*Bürgerliches Gesetzbuch für das Deutsche Reich*).

According to existing laws the following hypothecæ on real property (*Pfandverschreibungen auf unbeweglichen Güter*) are in force: (1) Contract liens (*Vertragshypotheken*), to which act of notary is necessary; (2) decreed judgments (*urtheilmässige Hypotheken*). Every judgment, in itself considered, entitles the creditor to evidence by recorded indebtedness against the creditor for the conditions of the judgment; (3) legal mortgages (*gesetzliche Hypotheken*), for example, mortgages for balance of purchase money.

All these mortgages must be recorded in the books of record (*Hypothekenbücher*). The conditions, however, will be greatly changed by the introduction of the *Grundbuch* and the civil code above mentioned. While formerly, by a judgment of the court, a general mortgage (*Generalthypothek*) could be taken covering all the property of the debtor, according to the law of May 20, 1885, the mortgage can only cover definitely specified portions of real estate. In the case, also, of contract liens (*Vertragshypotheken*) the portions of real estate covered must be definitely described. The present provisions in the Rhine Province are but temporary. Essential changes are imminent,

There are two classes of mortgages on chattel property (*Pfandrechte an beweglichen Sachen*): (1) Contract (*vertragliche*), and (2) decreed (*gesetzliche*).

(1) The contract mortgage is based upon a notarial act or a recorded private document (*Privaturkunde*), and must contain the amount of the debt, together with a description of the article pledged, its form, shape, and measure. The written act is, however, alone requisite in the case of articles which do not exceed in value 120 marks. The creditor has preference only while the object pledged remains in his possession or in that of a chosen third person. When, nevertheless, among merchants, to meet a claim arising from mutual business transactions, a pledge (*Faustpfand*) is given: (a) on chattels, (b) by paper upon holder, (c) by paper transferable by indorsement.

A simple agreement alone is necessary regarding (a) the chattel mortgage (*Verpfändung*) and the transfer of the article or articles to the possession of the creditor, or (b) the paper, in the case of paper upon holder; in the case of (c) paper transferable by indorsement, the delivery of the indorsed paper (*Deutsches Handelsgesetzbuch*, article 309).

(2) Decreed prior claims (*Vorzugsrechte*). These are provided for in paragraph 41 of the bankrupt law (*Konkursordnung*). The regulations of this paragraph are in force generally outside the state of bankruptcy. As such decreed prior claims are provided for (a) taxes, (b) rents, (c) claims of landlords and hotel keepers for board, lodging, etc., (d) claims of artists and actors, master workmen and tradesmen, (e) claims for the use of objects rented, (f) claims for which pledges have been given, (g) business claims. Merchants, agents, *expéditeurs* have certain legal prior claims on objects of debtors in their possession. These claims are set forth in the *Handelsgesetzbuch* (articles 313-315, 374, 382, 409, 410, 624, 626, 629, 675, 680, 697, 727, 753, 757, 893).

It is to be noted that all these legal prior claims have force only in the case of definite liens, and touch the chattel property (*bewegliche Sachen*) of the debtor only as regulated by law.

RATIO OF MORTGAGES TO TOTAL VALUATION.

It is impossible for me to fix the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property with any degree of accuracy, while property here in the Government district of Aix-la-Chapelle is not assessed upon the basis of total valuation, but upon the income it yields without regard to encumbrances. Furthermore, the principal tax is the income tax, divided into twelve classes, from 419 marks to 2,700 marks. In the official tax-lists total valuations are not given.

RECORD OF MORTGAGES.

Mortgages upon real property (*unbewegliches vermögen*) as well as mines and ships must be recorded. Several mortgages may be placed upon the same piece of property. Preference depends, however, upon date of record

in the mortgage books. These books are open to the public, as with us. Chattel mortgages are recorded only when exceeding 120 marks in value and made by private act (*Privatakt*). In trade (*Handelssachen*) recording is unnecessary (*Deutsches Handelsgetzbuch*, article 309).

MORTGAGE COMPLICATIONS OF TITLE TRANSFERS.

From a legal stand-point mortgages do not complicate or embarrass the transfer of land titles. When the buyer assumes the mortgages the matter is simple. Nevertheless the original mortgageor, unless released by the mortgagee, remains personally responsible for the debt. Often an indenture of mortgage contains the stipulation that, in case the mortgageor sell the mortgaged property, the capital is demandable directly. Again, the law contains provisions by which a person acquiring a piece of mortgaged property can free said property from encumbrance, unless mortgage agreement forbid the same.

INCREASE AND DECREASE OF MORTGAGES.

A comparison of reports from bureau of record shows a slight increase in recorded indebtedness, which is fully compensated for by the growth of the city of Auchen and corresponding increase in estimated values. As regards the relations in other parts of the district, they remain, generally speaking, the same.

UNRECORDED INDEBTEDNESS.

It is impossible to arrive at a probable proportion between recorded and unrecorded indebtedness.

LIENS.

Liens can be placed upon the entire personal property of the debtor, including crops, and such property is subject to execution of judgment. The exemptions are contained in paragraph 715 of the *Civilprozessordnung*, article V, law of January 30, 1877, and are as follows:

(1) Articles of clothing, beds, house and cooking utensils, heating apparatus, stoves; so far as same be necessary to the debtor, his family, and his servants.

(2) Necessary food and fuel for above for duration of two weeks.

(3) A cow, or, according to choice of the debtor, two goats or two sheep, together with two weeks' fodder and straw for the same; so far as the above animals be necessary for the nourishment of the debtor, his family, and his servants.

(4) The necessary articles for personal practice of the professions or trades of artists, tradesmen, laborers, also midwives.

(5) With country innkeepers, the necessary household articles, cattle, and field implements, together with necessary manure, also the produce which is essential to the continuance of inn keeping to the next harvest.

(6) With army or navy officers, civil officers, clergymen, public school teachers, lawyers, notaries, and physicians, the articles necessary to the prosecution of their service or profession, also proper clothing.

(7) With army and navy officers, army surgeons, civil officers, clergymen, and public school teachers, a certain sum of money, equal to that part of the income or pension not subject to lien, from the time of the attachment to the next date of payment of the income or pension.

(8) With apothecaries the necessary tools, wares, and implements for the trade.

(9) Orders and decorations.

(10) Necessary books for use of debtor and family in church and school.

Liens can be placed upon crops before they are harvested, but not earlier than one month before maturity of the same (paragraph 714, article 5, Civil-prozessordnung). Enough, however, for the use of the debtor must be excluded (see 5, paragraph 715, given above).

The creditor can also include the claims which the debtor has against others. The exceptions hereto are contained in paragraph 749 of the Civil-prozessordnung, article 5, and are as follows:

(1) Salaries or wages, according to the decisions of June 21, 1869. (Bundesgesetzbl., 1869, page 242; and 1871, page 63.)

(2) Claims for alimony depending upon legal prescriptions.

(3) The incomes which a debtor receives from charitable institutions, or otherwise, by reason of the forethought or generosity of a third person, so far as the debtor needs them for support for himself, his wife, and his children unprovided for.

(4) Revenues from institutions of aid, especially from miners' associations.

(5) The pay and invalid pension of under officers and soldiers.

(6) The incomes of persons belonging to the army who pertain to a mobilized troop or to the garrison of a man-of-war.

(7) Pensions of widows and orphans and revenues from funds for the relief of widows and orphans, also the pensions of invalid workmen.

(8) The incomes of officers, army surgeons, naval officers, civil officers, clergymen, public school teachers, the pensions of these persons after their temporary or permanent retirement, also the pensions granted to their heirs.

In cases 7 and 8, when yearly revenue exceeds 1,500 marks, the third part of the excess is subject to lien.

The income of persons in private life having a definite, lasting position is only subject to lien when exceeding 1,500 marks yearly.

INTEREST.

The legal rate of interest is 5 per cent., and in trade 6 per cent. In the case of loans, mortgages, and agreements the rate is usually less. It varies in case of mortgages between 4 and 5 per cent. Loans are sometimes given, however, at a lower rate of interest. Paragraphs 301 to 302, inclusive, of the penal code for the German Empire (*Strafgesetzbuch für das Deutsche Reich*) fix penalties against usury.

FORECLOSURES.

Mortgages can be foreclosed, by consent of the court through a notary, at the expiration of the period of foreclosure therein stated, at maturity, and in other cases when mortgageor fails to fulfill the conditions contained in the indenture of mortgage. The mortgagee can no longer, as formerly under Roman law, take possession of property and sell to satisfy his claims, but must secure payment of said claims through the intervention of the notary and court. The costs of foreclosure vary with special circumstances. In general, it may be said that, according to the laws now in force, the stamp (*stempel*) in the case of real property (*immobiliar*) costs 1 per cent. of the selling price; in the case of chattel property (*mobiliar*) one-third of 1 per cent. The additional charges in the case of mortgages on real property are—

(1) For mandates (*Mandatarien ebüren*): When ground-tax (*grundsteuer*) is 12 marks or less, from 9 to 24 marks; when ground-tax is between 12 and 60 marks, from 15 to 36 marks; when ground-tax is more than 60 marks, from 30 to 54 marks.

(2) Various charges of the court in the three cases given under 1, 22.25 marks, 37.15 marks, and 52 marks, respectively.

(3) For each bondsman: From 150 to 600 marks, 0.50 marks; from 600 to 1,200 marks, 1 mark; from 1,200 upward, 1.50 marks.

(4) When necessity of case demands, traveling expenses and time of jurists employed.

(5) Fees for copying.

PARTIAL PAYMENTS.

The creditor is not bound to accept partial payments except as provided for in the indenture of mortgage or judgment or other evidence of indebtedness. It is not necessary to record partial payments. If the debtor pays but part of the amount due, the collection of the balance can be legally enforced. By partial payments the debtor can reduce the mortgage in the books of record only when the right be given him in the indenture of mortgage. The debtor does not lose all benefit if he default in part, but receives credit for the amount paid. If partial payments be accepted by the creditor before same fall due, the debtor receives full credit therefor, and interest to fixed date of payment ceases.

CANCELLATION.

Mortgages are canceled by cancellation agreement, legalized by notarial act and by the registration of the cancellation in the books of record. Mortgages on chattel property are canceled by payment of the debt and delivery of the object pledged. In case of liens under execution of judgment the cancellation is made by the satisfaction of the judgment, which can be demanded upon payment of the debt.

JAMES RUSSELL PARSONS, JR.,
Consul.

UNITED STATES CONSULATE,
Aix-la-Chapelle, August 27, 1889.

SAXONY.

REPORT BY COMMERCIAL AGENT BRAMLETTE, OF PLAUE.

RECORDED INDEBTEDNESS.

In Saxony mortgages, liens, and judgments on immovables or real estate are recorded in the ground and mortgage book, which is kept in the custody of the court. This register is similar to the record of deeds kept by the county clerks in the United States. An abstract from this book shows, however, not only the various owners, sales, transfers, etc., of a piece of real estate, but also the debts, mortgages, liens, and judgments against said estate. There can be several mortgages on the same property, called, according to the order of recording, first, second, third, etc., and having precedence in the same order. Mortgages, liens, etc., on movables need not be recorded. Exceptions: (1) A wife may have recorded as a debt against her husband, which will take precedence to all other debts, the amount of wealth or property, movable or immovable, which she brought to her husband by marriage; but this exception will soon disappear by force of the law of October 1, 1879; (2) Government bonds, to the credit of a person who bankrupts, may be transferred to the credit of, and recorded in the name of, one of his creditors.

All mortgages must be recorded.

Mortgages cause no legal complications nor embarrassment in the transfer of land titles. The land remains always answerable for the mortgage, even though the ownership of the land changes.

INCREASE OR DECREASE OF MORTGAGES.

As to whether recorded indebtedness is increasing or diminishing in proportion to estimated values, I translate the words of K. von Langsdorff, the secretary of the Landeskulturrath for the Kingdom of Saxony:

Indebtedness has undoubtedly increased within the past decade, and very greatly, too; but as yet this increase can not be considered much greater proportionately than the rise in price of real estate. The rise in the price of real estate has given a very wide scope for the increase of mortgages. * * * An increase of mortgages on account of poverty was, a few years ago, scarcely noticeable, and then the cause was to be attributed to loss by fire, hail, cattle disease, etc. But in the last few years, which have proven unprofitable because small crops were raised, on account of continued frosts in the spring, rainy weather during harvest, destruction by hail and rain storms, and also because, at the same time, the prices of agricultural products remained low, even to unsalableness, many a farmer was forced by necessity to increase the amount of mortgages. * * * From a comparison of the indebtedness for the years 1879 and 1884 there is proven to have been in this short space of five years an increase of 36.94 per cent., or 7.39 per cent. per annum.

For these same five years the increase in taxable value of property has been 24.14 per cent., or 4.83 per cent. per annum.

UNRECORDED INDEBTEDNESS.

It is possible to obtain from the records of the courts, viz, the mortgage books, the amount of recorded indebtedness for a given period of time, but it is not possible to obtain a correct estimate of unrecorded indebtedness.

LIENS.

Liens can be placed on property of every sort, movables or immovables, including crops, and such property is subject to execution of judgment. Exceptions: One partner can not place under lien or mortgage partnership property without consent of all the partners, or, in other words, a person can not mortgage or place under lien property to which he does not have a perfect and exclusive right. As an exception may also be cited again the first exception under question 1, to-wit, the claim of the wife for the property or wealth which she brought to her husband by marriage has first consideration.

Probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property: In cities, about 20 to 30 per cent.; in the country, 40 per cent.; and in certain districts, 50 per cent. This is given on authority of Mr. K. von Langsdorff, to whom I referred above.

INTEREST.

The prevailing rate of interest on mortgage paper, as well as judgments, is 5 per cent.—legal interest; good mortgage paper, from 3 to 4 per cent.; judgments in cases where the rate of interest was not previously agreed upon, 5 per cent.; on mercantile claims 6 per cent. is allowed.

FORECLOSURES.

Mortgages are foreclosed by action at law. Mortgaged property may be sold by order of the court to satisfy the mortgage or mortgages thereon. Expenses for such action are regulated by law. They are estimated according to the value of the property, not according to the value of the mortgage or mortgages, and are at least 20 marks and at most 500 marks. The scale established by law is as follows:

Property valued at—	Expenses.	Property valued at—	Expenses.
	Marks.		Marks.
500 marks.....	20	15,001 to 20,000 marks.....	120
501 to 1,000 marks.....	30	20,001 to 30,000 marks.....	140
1,001 to 2,000 marks.....	40	30,001 to 50,000 marks.....	160
2,001 to 3,000 marks.....	50	50,001 to 75,000 marks.....	180
3,001 to 4,000 marks.....	60	75,001 to 100,000 marks.....	200
4,001 to 6,000 marks.....	70	100,001 to 150,000 marks.....	230
6,001 to 8,000 marks.....	80	150,001 to 200,000 marks.....	260
8,001 to 10,000 marks.....	90	Over 200,000 marks.....	300
10,001 to 15,000 marks.....	100		

PARTIAL PAYMENTS.

Partial payments are not required by law to be recorded. If a debtor makes a partial payment, his debt is diminished the amount of the payment, and he can demand that this partial payment be written to his credit on the mortgage. But in case a third party buys or acquires the mortgage in the full faith and belief that it is worth the full amount as recorded in the mortgage book, then the plea of the mortgageor, that the mortgage has been par-

tially paid, will not be heard by the court, unless the mortgageor can prove that the new owner of the mortgage was aware of said payment at the time he (the new owner) acquired the mortgage.

CANCELLATIONS.

The canceling of a mortgage may be accomplished on the ground of a declaration of willingness on the part of the creditor, made before a judge or notary, and of a motion made in the same manner by the debtor, or on the ground of a judgment of the court permitting the mortgage to be canceled. The canceling takes place by recording in the mortgage book the aforesaid declaration of the creditor and motion of the debtor, or the judgment of the court.

EDGAR E. BRAMLETTE,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Plauen, August 23, 1889.

WÜRTEMBERG.

REPORT BY CONSUL CRANE, OF STUTTGART.

RECORDED INDEBTEDNESS.

The system of recorded indebtedness prevalent in Würtemberg consists simply of mortgages on real property, which are recorded in the register of mortgages (*Pfandbuch*).

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is about 25 per cent. In larger cities, however, the ratio is higher, in Stuttgart probably not less than 50 per cent.

In order to be valid the mortgage must be recorded. In every community two registers are kept, viz: (1) The register of real property, containing the names of all property holders and the particulars of title, and serving as a basis to (2) the register of mortgages.

The transfer of land titles has to be recorded. On this occasion the mortgage is either satisfied by the mortgageor or continued by the transferee; so mortgages do not embarrass the transfer of land titles.

Statistics for an answer to the question as to the increase or decrease of recorded indebtedness seem not to be at hand. I learn only that just now the offers for investment in mortgages exceed the demand.

It is impossible to arrive at the probable proportion of existing recorded and unrecorded indebtedness.

LIENS.

Liens are not placed on personal property.

INTEREST.

The prevailing rate of interest on mortgage paper is from $3\frac{1}{2}$ to $4\frac{1}{2}$ per cent., seldom 5 per cent.

and direction; (c) the amounts in account the guardian has charge of. The guardians have the right to substitute another security in the place of a mortgage.

(3) Children. If their property is managed by their father or mother, they have a legal claim to a mortgage on the real property of either of their parents as a security, under the following restrictions and provisions: (a) If a father or mother is not only entitled to the management, but also to the usufruct of the property of the children, the latter can not claim a security. Exceptionally they are justified in doing so if it is apprehended that through bad housekeeping or a precarious condition attending the state of parental property they might sustain losses. In this case the amount of the mortgage should be equivalent to the value of the children's movable property being in the father's or mother's custody; (b) if neither of the parents enjoy a usufruct, their children are entitled to the same privilege which, according to No. 2, is provided for persons under guardianship; (c) if the children are still under age, or for other reasons render guardianship necessary, their guardians or the court of guardianship has to take care of their title.

(4) The State authorities, church organizations, communities, schools, and other public institutions may claim a mortgage from their servants, managers, or collectors, in order to be secured in case of irregularities on the part of these persons. The value of the security depends upon an agreement between the contracting parties. In case of disagreement the provisions under No. 2 are, analogically applied, decisive. The mortgageor has the right to demand a diminution of the value of his security, while the mortgagee may claim an additional security, according to a reduced or increased responsibility.

(5) Heirs may claim a mortgage on the immovable property left by inheritance as a security for the cash money they are, in compliance with the last will of the testator, entitled to. Persons bequeathed with a legacy or a donation may act likewise.

(6) All creditors, without distinction, have a right to demand a mortgage for adjudged or such claims on account of which execution can be issued. The registration of the amount of indebtedness on the part of the *hypothekenamt* (office of mortgages) is identical with the completion of the execution.

Only mortgage liens on real estate are subject to compulsory registration. Owners of real estate desiring to mortgage the same must give notice to the office of mortgages and prove their ownership. The mortgages, without distinction, have no legal force until the registration has been effected in due form. The registration of a mortgage may be provisionally taken notice of in the respective register. Such a proceeding, however, has not the full legal force of the final registration, and will be inefficacious if the mortgageor becomes bankrupt before the recording has been duly effected. It is not allowed to have an indebtedness on single appurtenances or parts of real estate recorded. The mortgage embraces the whole property—all its parts, appurtenances, growth, as also its natural and industrial fruits (*fructus natu-*

rales et industriales). Mortgages must be recorded in the village or town in or near which the mortgaged property is situated.

RATIO OF MORTGAGES TO TOTAL VALUATIONS.

Real estate may be mortgaged without regard to value. Whether the amount of the mortgage is equal to the real value of the property or not, only concerns the parties interested. Hence no indemnification can be claimed from the office of mortgages in case of losses. The mortgagee has, however, the right and opportunity to examine the value of the mortgaged property at all times. An investment made on real estate is considered first-class if the security is double the value of the mortgage. In the case of ground property even three-fifths of the value is considered a good investment. This is the rule; there are exceptions, however. Speculators purchase land and construct houses thereon, all with money obtained on mortgages.

Under these circumstances the mortgaged amount sometimes exceeds the real value of the property, and losses are the consequence. Rural estates are often very much encumbered and eventually are sold at auction. First mortgages are frequently taken by savings-banks. For trust funds and investments of the surplus funds of insurance companies and other corporations who by the nature of their business have to accumulate reserves first mortgages are favorite securities.

MORTGAGE COMPLICATION OF LAND TRANSFERS.

Houses and ground property are sold more easily if a fair amount is mortgaged. There are exemptions, however. Mortgages will complicate or embarrass the transfer of titles if there are extraordinary privileges connected therewith, as, for instance, the right to sell, resell, and inhabit a property, the enjoyment of rents, etc.

INCREASE OR DECREASE OF MORTGAGES.

As far as industrial places are concerned there is no doubt that the prosperous condition of most of the industries, besides a remarkable increase in the value of property and the continual decrease of the rate of interest, are diminishing recorded indebtedness in proportion to estimated values. The reverse is the case with landed estate. It is a well-known fact that many peasant farmers have become embarrassed by the large falling off of their incomes from agricultural lands owing to the severe competition of foreign cereals as well as bad harvests. Estates are encumbered to secure marriage settlement and portions to younger children. All these circumstances have rendered the farmers' condition unenviable and increased recorded indebtedness in proportion to estimated values.

LIENS.

As regards personal property there exists, according to law, only a *pfandrecht* (right of pawning). In compliance therewith property is taken pos-

PARTIAL PAYMENTS.

Partial payments are provided for and are often made. As a measure of precaution such payments may be recorded in the books of hypothec, but the record is not required. In general, partial payments are made before a notary public, and the record in the books of hypothec is deferred until the final payment is made. A debtor does not lose benefit of partial payments if he can prove their being made, although they are not recorded.

CANCELLATIONS.

The canceling of a mortgage is done on the presentation to the officer in charge of the hypothec office of a notary's certificate that the mortgagee has acknowledged the receipt of the amount of the mortgage. An entry is then made in the books of hypothec that the mortgage has been removed on (date), as certified by document under hand and seal of (name), notary public, under date (date given), and, therefore, the property to which this entry refers is declared to be free from debt or encumbrance.

FORECLOSURES.

Legal advice is here necessary. Generally mortgages are foreclosed by action at law. If by sale under power, as is the mode of procedure when a bank holds the mortgage, the power is issued by a decree of court. The expense varies according to circumstances and the amount of appropriation made by the owner of the mortgaged property.

WM. H. MOFFETT,

Consul.

UNITED STATES CONSULATE,

Athens, June 7, 1889.

GREECE.

REPORT BY CONSUL HANCOCK, OF PATRAS.

RECORDED INDEBTEDNESS.

The Greek and French laws are the same, and all such points would be settled according to the Code Napoleon. However, I will do my best to answer the questions as put, as far as I understand them, and my experience goes, and according to what information I have been able to glean.

The system of recorded indebtedness here is none other than what is registered, either by mortgage or sequester, on landed property. Loans on chattel property would only hold good deposited, in other words, pawned. Liens on judgments might be made, but it would be necessary to get a sentence from the courts to make them effective.

All mortgages, to be valid, must be made before a notary public and registered in the office of public registry of mortgages in the commune in which

the property exists, and in the event of there being no such registry office, then they can be registered in the office of the justice of peace. Each mortgage takes rank in the order in which it is registered.

Mortgages naturally complicate transfer of land titles, but as in the registry office it is easy to find out if a mortgage or what mortgages exist, the value of transfer can at once be ascertained.

Recorded indebtedness I consider to be decreasing, *i. e.*, there is more credit than twenty years ago.

UNRECORDED INDEBTEDNESS.

Recorded indebtedness could be ascertained at the registry office, but unrecorded indebtedness could not be traced.

LIENS.

Liens, or sequesters, might be placed on personal property, including crops; but in the case of crops, if a creditor could show that he had advanced the money for the purpose of cultivation, he would get preference over any subsequent sequester.

INTEREST.

Interest on mortgages ranges from 6 to 9 per cent., but any rate may be agreed on; but 9 per cent. is the legal rate. Nor is interest for more than one year legal on mortgaged property, unless action to recover be commenced. Interest on judgments is at the legal rate of 9 per cent.

FORECLOSURES.

Mortgages must be foreclosed by action at law and by public sale, a very tedious process when objection is raised, and expense raises accordingly.

PARTIAL PAYMENTS.

Partial payments of mortgages, etc., could be arranged by agreement. Partial payments need not be recorded, *i. e.*, registered, but the debtor would lose all benefit if he had not a proper stamped receipt.

CANCELLATIONS.

The ordinary form for canceling is by notarial deed declaring that the debt has been paid or otherwise settled, which deed, on being presented at the registry of mortgages, is noted, and the property freed.

E. HANCOCK,
Consul.

UNITED STATES CONSULATE,
Patras, May 31, 1889.

ITALY.

REPORT BY VICE-CONSUL TOUHAY, OF TURIN.

CREDIT SYSTEMS OF ITALY.

In reply to Department circular of May 10, 1889, I respectfully ask leave to preface the answers to the interrogatories with a few general observations on the system of credits prevailing in Italy.

Article 1949 of the Italian civil code establishes the principle that "a debtor's property constitutes the common security for his liabilities, and all creditors have equal rights thereon, unless there exist special and legitimate causes of preference among them." These special causes of preference for one creditor over another are of two sorts, viz, mortgages and privileges.

Mortgages.—A mortgage is a lien exclusively imposed on real estate, and is registered as such, together with a detailed description of the debtor's property, on the public records. When a mortgage is registered the property is affected from the date of registration as security for the payment of the liabilities recorded against it.

An office denominated conservatory of mortgages and records (*conservatorio delle ipoteche e trascrizioni*) is established within the limits of every judicial district, and the public records for the registration of mortgages and transfers of real estate are preserved therein. On these record books a special column is devoted to each holder of real estate for the purpose of annotating all particulars concerning the property and giving reference to special books containing full and entire transcriptions of all documents relating thereto.

Several creditors can hold liens on the same property, but they can not exact cumulative payment in proportion to the proceeds from its sale. Payments are made according to the order of the mortgage inscription. The holder of the mortgage first inscribed is satisfied prior to the other claimants. Then comes the holder of the second mortgage, after which the remaining creditors are considered in their numerical order of registration.

Mortgages are styled conventional when registered by virtue of a contract whereby the debtor agrees to the lien. They are judicial when registered by judgment of tribunal and legal when registry is authorized by circumstances provided for by law, and which would suffice by themselves, either with or without the consent of the property-holders, to confer the right to effect such registration. For instance, a legal mortgage would be effected for any balance due on the original purchase amount where a property is held for sale. Another instance would be that of a matrimonial contract, which gives the wife a right to a mortgage on her husband's property in security for her dot or personal fortune consigned to his custody. A legal mortgage could be effected in dissolving business association to secure restitution of the retiring partner's capital, and also where a guardian or curator

is appointed as security for his bonds for the faithful discharge of his trust, etc.

Privileges.—Privileged or preferred credits constitute liens in favor of certain creditors. But they differ from ordinary mortgages in this, that they strike chattel property as well as real estate, and need not be specially registered to be efficacious. When a preferred lien is imposed on real estate it holds precedence over all other mortgages or obligations. These preferred credits or privileges are grouped under the two following headings:

- (1) All expenses incurred in effecting a forced sale of debtor's property.
- (2) All State claims for taxes on the property for the current year of the date of the forced sale.

There are other privileged credits on real estate, but they are only preferred over ordinary creditors, and are held for consideration in succession to payment of mortgages. These credits can only claim preference over registered debts, such as commercial paper, and are classified under four headings, viz:

- (1) State dues for registration of transfer of real estate, and for all indirect taxes liable thereon.

- (2) Claims for six months' (preceding date of foreclosure) sustenance for the debtor and his family, and for wages due to domestic servants for the same period.

- (3) In case of decease and settlement of estate, claims for expenses of sickness (medical attendance and medicines) incurred during the last six months of the debtor's life.

- (4) In same case as in No. 3, funeral expenses of the debtor.

Creditors—whether claiming by mortgage, privileges, or commercial creditors—can make good their claims by causing the sale at public auction of their debtor's real estate. Such sale can only be made in execution of the judgment of the court, and must be conducted in the presence of the tribunal. Payments from the proceeds of these sales are made to creditors in the following order:

- (1) Privileged credits (see 1 and 2 as hereinbefore).
- (2) Mortgages, according to their precedence of registration, without distinction as to whether they be legal, judicial, or conventional.
- (3) Privileged claims, Nos. 1, 2, 3, and 4, as above set forth.
- (4) Ordinary commercial debts in just percentage to their amounts.

Personal property.—Execution of judgment can be effected for the recovery of indebtedness by the sale of personal property. The only preferred claims that could be levied on the proceeds of chattel sales would be those of privileged credits, as above indicated under headings 1, 2, 3, and 4. Certain other creditors hold preferred claims on the proceeds of special chattel sales. For instance, hotel-keepers, carriers, or store-keepers are preferred on the proceeds of goods transported by them or consigned to them for storage, and a landlord has first right on the furniture of tenants as security for payment of house rent. Pawn debts are secured by the value of the articles delivered in pledge.

The general rule may be laid down that all privileged credits exist by virtue of the laws already in force. Pawn debts, however, are subject to the terms of contract agreed to by the individual pledging the goods, and no creditor can claim especial preference for a claim merely by virtue of a court decision, hence all privileged credits are exclusively legal or conventional.

I will now set forth the answers to questions as indicated in Department circular.

RECORDED INDEBTEDNESS.

In real estate securities the system of conventional mortgage credits prevails. The debtor grants his creditor the right to register mortgage on his real estate as security for the principal and interest of his debt, or, as it is sometimes agreed to, for the payment of a life annuity. Where a life annuity is constituted the mortgage is registered at the rate of 5 per cent. on the total sum paid for such charge on the property.

It will be seen, however, by the exhibit drawn up in answer to the third question that investments for life annuities do not represent important placements of capital.

With regard to securities of personal or chattel property, the system of banking credits is adopted, that is, the deposit of bonds or silk drafts with the amount of the loan indorsed thereon.

I have not been able to obtain separate statistics as to the ratio which mortgages and judgments bear to the total valuation of taxable and assessed property in this consular district, but the general statistics compiled by the Government give the following results:

Superficial measurement of all Italy	hectares...	26,140,174
Approximate value of the same	lire...	29,553,000,000
Net revenues.....	do.....	1,500,000,000

Mortgages registered January 1, 1885.

	Lire.
Conventional.....	4,280,214,185
Judicial.....	731,136,429
Legal.....	1,578,050,534
Total.....	6,589,401,148
Annuity charges on real estate:	
Conventional	634,870,071
Judicial.....	24,591,110
Legal.....	133,865,054
Total.....	793,326,235
Grand total.....	7,382,727,383

The inscription of a mortgage does not constitute any hindrance to the sale of real estate. Such sale, however, does not in any way prejudice the creditors' rights, which remain charged against the property itself, and recovery of the debt can be effected thereon against the acquirer. Privileges do not hinder the transfer of property, whether real or personal. When,

however, the sale is of personal property, and when the transfer has been regularly effected without protest, the privileged creditors lose their privileges on the property transferred, and can only claim on whatever rights may remain over to their debtor personally. Any transfer of personal property can, however, be prevented when the privileged creditors put in an execution on the property, whether real or personal.

In effecting an execution on real estate the creditor must, in the first place, notify the debtor or his bondsman of the order to pay up, and from the date of entry on the public registers of this order to pay, the debtor can not convey title or in any way alienate his real estate. In a chattel execution the creditor should have a receiver appointed for the custody of the debtor's goods, and from the date of the receiver's taking charge the debtor is prohibited from disposing of his personal property.

Mortgages are generally effected in direct proportion to the value of the property offered as security. This is also the rule applied to bank loans on stocks, bonds, etc. The credit prevailing on agricultural property or on crops ranges from 30 to 50 per cent. of their value. The latter rate is accorded to agricultural property situated in thickly populated districts. Stocks, bonds, coupons, etc., are estimated at two-thirds of the prevailing stock exchange quotations.

UNRECORDED INDEBTEDNESS.

I have not been able to procure sufficient data to arrive at any probable proportion of existing recorded and unrecorded indebtedness. It may be assumed, however, that debts unsecured by registered mortgage can only exist in extremely small proportions, unless, indeed, the question be transferred to financial or mercantile operations, in which case the security for loans is represented by the personal credit enjoyed by the parties contracting such debts or business obligations.

RECORD OF MORTGAGES.

Mortgages are efficacious only when registered in their respective numerical order against the real estate of a debtor, or against that of a debtor's bondsman or indorser.

The inscription of mortgages is effected on the public registers, showing the amount of the debt and also describing the agreement or contract relating thereto. This contract must be signed by the contracting parties and their signatures attested to by a notary public. Privileged creditors are not obliged to have their claims registered against either real estate or personal property. It is sufficient for such claims to be proved by the existence of a written document bearing a certain specified date.

LIENS.

Any creditor can sue for the recovery of his claim on the personal property of his debtor. The procedure is styled in legal terms process by execution on personal property. Privileged creditors' claims, hereinbefore specified,

hold preference of payment on the proceeds of the execution sale. In such cases, however, the following articles are specifically exempt from seizure:

- (1) Bed and bedding of the debtor and his family.
- (2) Clothing in daily use of the debtor.
- (3) Necessary utensils for cooking.
- (4) Uniform, baggage, and arms of militia-men.
- (5) Family papers and registers.
- (6) Silk cocoons in process of maturing.

In addition to the foregoing there are exempt from seizure all books, tools, or machines, to the value of 500 lire, necessary to the debtor for the exercise of his trade or profession, flour and other provisions for a month's consumption for the family, one cow, or two goats, or three sheep, with one month's necessary forage. These exemptions can, however, be waived by the debtor should he voluntarily decide not to profit by them.

INTEREST.

The rate of interest on mortgage paper varies from $4\frac{1}{2}$ to $6\frac{1}{2}$ per cent., according to the greater or lesser amount engaged; in bank loans the rate of interest is generally regulated by the prevailing rate of discount. The rate of interest to which a debtor is liable by a judicial sentence is from 5 to 6 per cent., according to the debt being declared civil or commercial.

FORECLOSURES.

Recovery of debts is effected by forced sale (execution) of real or personal property. The expenses of the proceeding are not to be estimated in proportion to the value of the property to be sold; they are regulated by the cost of appraisal, the legal dues on the documents to be prepared and presented, the advertisements and public notices, and all other necessary outlays. The minimum costs of such proceedings are somewhat elevated, and for this reason they are rarely had recourse to against small holders of real estate. Loans on deposits of goods or merchandise are only made in extremely trifling amounts.

PARTIAL PAYMENTS.

When partial payment is made on a mortgage it can be credited in a marginal note on the public registers opposite the inscription of the mortgage, thereby reducing the original debt by the amount paid. This partial payment must be authenticated by a notary public at the bureau of mortgage registers. When the marginal annotation of partial payment is not regularly inscribed the mortgage remains unaffected for its original amount; but should the creditor foreclose and put in execution the sale of the property in payment of the full amount loaned, the debtor can oppose the sale and reduce the amount of the debt by showing proof of whatever partial payments may have been made; hence the non-registration of partial payments does not prejudice the debtor's rights.

CANCELLATIONS.

A mortgage is canceled (1) by payment or annulment of the debt, (2) by limitation on the lapse of thirty years, dating from registration, if the creditor has not within that period taken steps to prove his rights against the debtor.

Mortgages are canceled on the public registers when the authenticated receipt for the debt is presented, or when sentence is rendered by the courts ordering such cancellation. The form of canceling a mortgage is by inscribing under the registry of the mortgage the declaration of its cancellation, together with an account or description of the payments made, or other means adopted to that end.

ACKNOWLEDGMENT.

In concluding this report, I respectfully beg leave to mention that I am indebted for its essential points to the learning and courtesy of Advocate Armisoglio, of this city. I have full confidence in submitting the foregoing report to the Department, as Mr. Armisoglio's high standing at the Piedmont bar renders his opinions and digests authoritative.

ST. L. A. TOUHAY,
Vice-Consul.

UNITED STATES CONSULATE,
Turin, July 2, 1889.

ITALY.

REPORT BY CONSUL FLETCHER, OF GENOA.

RECORDED INDEBTEDNESS.

A general law prevails throughout all Italy governing mortgages and liens on real and chattel property. According to the civil code (*codice civile*), paragraph 1968, there are three classes of mortgages, namely, legal, judicial, and conventional.

The Italian civil code defines the three classes of mortgages named above as follows:

WHO CAN SECURE LEGAL MORTGAGES (PARAGRAPH 1969).

(1) The vendor of real estate for any balance which may be due on the purchase and transfer thereof.

(2) The heirs on inheritance, partners for repairs or improvements made on real property, as, for instance, three persons own a block of buildings, two of the owners agree that repairs are necessary, which the third party will not acknowledge; the law sides with those for improvement, and they can force a legal mortgage from the third party for his share of expenses.

(3) Minors on guardian's property as protection against fraud. (Sections 292 and 293, civil code.)

(4) A wife on her husband's estate to protect her dowry and the income therefrom. If this mortgage has not been restricted or limited by the marriage contract to some special property of the husband, it has effect on all his estate at the time in which the settlement of dowry takes place, although the payment of said dowry may be at a later date.

(5) The State on the property of a person condemned for crime in sufficient amount to cover all civil and judicial expenses.

JUDICIAL MORTGAGES (PARAGRAPH 1970).

On any judgment condemning debtors to pay a certain amount due on chattel property, or on any obligation that could be canceled by the payment of a certain sum of money (and not paid), the creditor can ask for and obtain a judicial mortgage.

Judgments, however, issued by foreign judicial authorities (paragraph 1973) do not give the right of mortgage to property situated in this Kingdom, unless the judicial authorities of the Kingdom have so ordered, or a treaty to this effect is in force by international convention.

CONVENTIONAL MORTGAGES (PARAGRAPHS 1977, 1978, 1979).

A conventional mortgage can not be constituted on future property.

A conventional mortgage must be made in conformity to law, that is, in the usual public form or by private writing. If this class of mortgage is drawn up by private writing, it can not be recorded (paragraph 1989) until the party giving it has his signature authenticated by a notary public, or it is judicially acknowledged. In this class of mortgage it must also be especially stated (paragraph 1979) the kind of property, the commune where it is situated, the number of the land book or census map, and it must give at least three of the boundaries of said property.

Mortgages are given on (1) real estate, with all appurtenances thereto, considered as realty; (2) on incomes from real property, with the exception of legal interest on said income; (3) on the *condicente* and tenant's rights on rented property; (4) on the interest from State's rents, as prescribed by certain law governing the public debt.

As to the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property, officials, after several days' examination of records, reply that no one can answer said question with any degree of accuracy. Prominent lawyers indorse the above statement and say it is impossible to answer interrogatories 3, 8, and 11.

All mortgages must be recorded (civil code, paragraph 1965), and in said mortgage must be described the property and the amount for which it is mortgaged.

Mortgages neither complicate nor embarrass the transfer of real estate.

It is not possible in this consular district to arrive at a probable proportion of existing recorded and unrecorded indebtedness. So conservative and cautious are the average Genoese that it is very difficult to obtain from them statistics of even the slightest importance.

LIENS.

Liens can be taken on chattel or personal property of any kind, and also upon crops; they are taken and given either by private agreement or by decree or confessed judgment. Liens are subject to execution of judgment; there are no exceptions.

INTEREST.

The civil rate of interest is 5 per cent., commercially 6 per cent.; but the law also allows other rates, which can be agreed upon by parties interested.

FORECLOSURES.

Mortgages are foreclosed by action at law or by sale under power. The expenses incident to such business are estimated at about 5 per cent. of the claims. Advocate Giuseppe Cosmelli is my authority for this statement. The mode of procedure in the foreclosure of a mortgage is a long and tortuous one, and the Government reaps most of the harvest of the expenses incident to the work.

PARTIAL PAYMENTS.

The debtor can have partial payments recorded if he considers it to be for his interest to do so. If full payment can not be made within the prescribed time agreed upon, the mortgage can be foreclosed and the property sold at public sale. After the creditor's claims and official fees are satisfied the debtor or mortgageor receives the balance resulting from said sale.

CANCELLATIONS.

Paragraph 2038 of the Italian civil code states, in effect, that when full satisfaction is made, that is to say, when the conditions specified in the mortgage are all fulfilled, the mortgagee must so state in a document drawn up to that effect. This document is then presented to the recorder of mortgages, who transcribes the contents thereof on the margin of the page or pages on which the mortgage is recorded. This act is called the cancellation of a mortgage.

JAMES FLETCHER,
Consul.

UNITED STATES CONSULATE,
Genoa, June 26, 1889.

ITALY.

REPORT BY CONSUL CAMPHAUSEN, OF NAPLES.

RECORDED INDEBTEDNESS.

Mortgages are of two kinds, viz, legal and conventional. A legal mortgage is an instrument in writing acknowledged before a notary public and recorded in the office for recording mortgages. In it a mortgageor conveys to the mortgagee the property described in the instrument for the consideration therein named, with the right of redemption within five years. If the debt is not paid during said time, the title becomes absolute and vested in the mortgagee without further process of law.

A conventional mortgage is an instrument in writing acknowledged before a notary public and recorded in the office for recording mortgages, in which the mortgageor pledges the property therein described as security for the debt. At the time of the execution and recording of the conventional mortgage a copy is delivered to the mortgagee, and on failure being made in the payment of the interest or any installment when due this copy is placed

in the hands of the executive officer, who, without any further proceedings in court, proceeds to execute the same, as more fully indicated in "foreclosures."

Decreed and confessed judgments are not liens on the defendant's property, unless a transcript is taken and recorded in the office for recording mortgages.

The probable ratio which mortgages and judgments bear to the total valuation of taxable and assessed property is about 30 per cent. According to reliable information there is very little, if any, real estate in this province entirely free of encumbrance.

Recorded indebtedness is continually increasing in proportion to the estimated values.

Mortgages do not seriously complicate or embarrass the transfer of land titles. The owner of mortgaged property desirous of selling the same and having found a purchaser will satisfy the claims; a contract of sale is then prepared and in it the names of the creditors with the amounts of their respective claims inserted. This contract is signed by both parties; the purchaser pays the claims out of the purchase money, handing the balance, if any, to the vendor. If the sale is not effected in this manner, the mortgages hold good against the property in the hands of the purchaser, and he can be compelled to pay or turn over the property to the mortgagees.

Conveyances for the sale of real estate must be recorded. The records of mortgages and judgments are open to public inspection, but to make a compilation would involve an immense amount of labor and probably be very imperfect when finished.

LIENS.

There are no chattel mortgages in Italy. Personal property may be pledged or pawned by placing it in the hands of the creditor, or in the custody of some other person (or agent) for the creditor. Banks are especially authorized by law to take crops and farming utensils as security for loans advanced, and in such cases the crops are subject to sale on execution, provided the mortgage given by the owner of the crops, etc., has been recorded according to law.

Personal property may be sold under an execution on a judgment either decreed or confessed, and the money realized on the sale is divided pro rata among all creditors having unrecorded judgments.

On executions against personal property ten days of grace are allowed the debtor. There is no exemption of property in executions.

RECORD OF MORTGAGES.

All mortgages must be recorded in the office for recording mortgages of the district in which the mortgaged property is situated within thirty days of the execution of the mortgage. The mortgaged property must be described with the utmost care and particularity. If not recorded within said time, the holder is liable to a fine of 1.3 per cent. of the amount of the mortgage, being

double the tax of registering. The mortgage, if recorded after the expiration of thirty days, becomes a lien from the day and hour of its being filed for recording.

INTEREST.

Legal interest on mortgages and judgments when there is no contract is 5 per cent.; conventional interest, subject to contract stipulations and sanctioned by law, ranges from 6 to 9 per cent. per year.

FORECLOSURES.

On failure of the mortgageor to pay the interest or any installment due on a mortgage the court, on application of the mortgagee, will grant a rule on the mortgageor to pay the amount due according to the terms of the instrument. This rule is called a *precetto*, and is recorded on the mortgage book; it enjoins the mortgageor from selling his property, and also from executing additional mortgages on the same property. But the mortgageor may within thirty days have a rule on the plaintiff to appear in the court, and on the hearing of the rule show cause why the sale should not be permitted. If the mortgageor's rule is discharged, the sale will take place. Notice of the sale is given by advertisements in the papers and by handbills, specifying time, place, etc., similar to those in the United States. All debts secured by mortgages are paid in full out of the proceeds of the sale, according to their numbers and in the order of day and hour of record. The proceedings incident to the sale of property under a foreclosure of mortgage involve considerable expense, varying according to the location of the property, the number of creditors, and other circumstances. The costs are first paid out of the money realized at the sale.

PARTIAL PAYMENTS.

Partial payments are entered on the margin of the recorded mortgage. The law prescribes that in default of any of the partial payments or interest the mortgageor can be compelled to pay the entire debt, but a decree or an order of court is required to proceed to the sale of the mortgaged premises.

CANCELLATIONS.

A mortgage may be canceled (1) by entering satisfaction on the margin of the record, or (2) by a satisfaction piece, executed by the mortgagee and recorded, similar to the practice in the United States. A mortgage becomes void after thirty years.

EDWARD CAMPHAUSEN,
Consul.

UNITED STATES CONSULATE,
Naples, August 8, 1889.

TUSCANY.

REPORT BY CONSUL SARTORI, OF LEGHORN.

RECORDED INDEBTEDNESS.

In this consular district, as throughout the Kingdom of Italy, the modes of procedure in order to obtain security for debts are established by the civil and commercial codes, and are (1) by decree of court, (2) by confession of judgment. These must be recorded in the Government registry offices within twenty days from the date either of the decree or confession of judgment, and may be secured either by mortgage on real estate or lien on chattels. In case of the latter, possession must be given either to the creditor or to a third party empowered to act for him. Bills, promissory notes, drafts, etc., do not need to be recorded, and do not give the right to mortgage or act as liens until judgment has been taken. In case of default of payment on maturity they are protested, and certain modes of procedure are prescribed. If proceedings should be instituted against the debtor's real estate, thirty days are given him before the property can be brought to judicial sale. If personal property is proceeded against, five days are given before seizure can be made, and, after these have elapsed, ten more days are granted before possession can be taken.

All merchants here are required by law to keep two books, a journal and an inventory, setting forth all their business, and each page of which must be stamped, numbered, and countersigned by a duly appointed official. In case of financial difficulties a man has the right to produce these books in court, and if by them he can prove his assets in excess of his liabilities the court grants him six months' time to effect a settlement. Under certain conditions this may be extended for another six months. During all this time a delegate judge appointed by the courts and a supervisory committee representing the creditors control his administration of affairs. This law is comparatively recent, and may be said to be tentative.

Every thing in this country is supposed to be provided for by the different codes, and all modes of procedure are prescribed. Affidavits are of no value, and are not recognized as evidence in Italy.

In Tuscany a mortgage is presumed to be sufficiently guarantied if for not over half the assessed value of the property. According to statistics, it would appear that mortgages and judgments bear almost this ratio to the total valuation of taxable and assessed property in this province. Real estate is assessed here according to the income it yields.

All mortgages must be recorded in the proper registry offices. Until this is done they are of no value.

According to the best authorities, it would appear that recorded indebtedness is increasing in proportion to estimated values. This is supposed to be owing to the *Credito Fondiario*, modeled after the *Crédit Foncier* in France, which is authorized by the Government to examine titles and ad-

vance money by mortgage on real estate (bearing interest in this consular district at the rate of 4 per cent.) and issue bonds carrying interest at the same rate to the public for the amount advanced. The payments on these mortgages may be cumulative, and by agreement they may be paid off in a fixed number of years. It may also be that estimated values are diminishing rather than increasing in this consular district.

Mortgages complicate the transfer of land titles only in so far as a purchaser buying real estate subject to a mortgage not due must assume the mortgage. He may cancel it by agreement with the mortgagee at the time of purchase.

I can not see how it is possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness, as the unrecorded indebtedness is not subject to Government control, and there are no statistics available to me bearing on this subject.

LIENS.

Liens may be placed on personal property, including crops, and such property is subject to execution and judicial sale. The only exemptions are the actual necessities of life and such articles as, in the opinion of the delegate judge and approved by the creditor or creditors, may be indispensable to the exercise of his profession.

INTEREST.

In this consular district the usual rate of interest on mortgages is 5 per cent. Civil judgments bear interest at the rate of 5 per cent., commercial judgments at the rate of 6 per cent.

FORECLOSURES.

According to its provisions, a mortgage may be foreclosed in default of payment of the interest, or when due. Foreclosure is effected by forms as prescribed by code, terminating in a public sale. Municipal and other taxes, although (as with us) a prior lien, are collected every two months, and never amount to a large sum. The expense of foreclosing a mortgage is usually about 10 per cent. It must be done by means of a lawyer, who withholds this amount and out of it pays all the attendant expenses.

PARTIAL PAYMENTS.

All partial payments should be recorded, but the debtor does not lose his right in default on this to prove his payments by other means.

CANCELLATIONS.

The ordinary form for canceling is by consent of the creditor, as provided by the codes, or a decree of the courts.

VICTOR A. SARTORI,

Consul.

UNITED STATES CONSULATE,

Leghorn, June 8, 1889.

SICILY.

REPORT BY CONSUL JONES, OF MESSINA.

RECORDED INDEBTEDNESS.

No special law or system prevails in the Messina consular district. The laws of Italy are uniform in their operation throughout the Kingdom. Mortgaged property must be specifically described, and the amount of the mortgage specifically stated. A mortgage follows and covers every part of the mortgage; mortgages cover all betterments.

Property subject to mortgage in Italy consists of real estate and chattels real, the usufruct of the same, the rights of the lessor and lessee for a term of years (*dritti enfiteutice*), Government annuities. Mortgages are of three kinds: (1) Conventional, (2) judicial, and (3) legal.

CONVENTIONAL MORTGAGE.

A conventional mortgage must be drawn up by a magistrate (*per atto pubblico*) or by the parties interested. Whenever the mortgaged property perishes or deteriorates so as to jeopardize the claim of the creditor the latter has a right to a further and additional mortgage.

JUDICIAL MORTGAGE.

A judgment of court decreeing the payment of a sum of money or the consignment of personal property in settlement of a debt constitute a mortgage on the property of the debtor.

LEGAL MORTGAGE.

(1) The vendor holds a legal mortgage on property sold until full payment be made. Legal mortgages must be recorded by the recorder *ex officio*, without a formal demand from the party interested.

(2) First heirs or partners hold, until division, legal mortgages on real property falling in.

(3) A minor holds a legal mortgage on the property of his guardian, the mortgage covering the minor's property in the hands of his guardian.

(4) The wife holds a legal mortgage on the property of her husband to the amount of her marriage portion.

(5) The State holds a legal mortgage on the property of convicts for the payment of expenses incurred by their trial, and for damages, should such be awarded. Lawyers' fees for the defense have the first claim.

Legal mortgages (Nos. 2, 3, 4, 5), judicial and conventional mortgages must be made out by the parties at interest, and two copies thereof deposited by them with the recorder of the place where the property is situate.

Mortgages must be placed on record in the office of the recorder of mortgages of the district in which the property is situate. Recorded mortgages run for thirty years. If the record be not then renewed, the mortgage becomes void. Mortgages rank from the day they are recorded.

A mortgage being a lien upon the property of the debtor or of a third party, inuring to the benefit of the creditor, greatly embarrasses the transfer of property in Sicily, because no one buys mortgaged real estate at its true value, and the purchaser would have either to pay the mortgage creditor or foreclose the mortgage, which is expensive and frequently gives rise to protracted litigation. Foreclosure proceedings (*Loffredo vs. Sabatini*) begun in 1829, are still pending before the courts of Messina. The case of *De Florio vs. Pellisseri*, originally brought for a division among the heirs, becoming complicated with foreclosure proceedings, has dragged on since 1790. These celebrated cases show to what length foreclosure proceedings may be carried.

FORECLOSURES.

It is not necessary to foreclose in order to raise a mortgage. The mortgage creditor and the debtor may agree to an amicable sale of the real estate, the creditor receiving the amount of his mortgage and canceling the same. It is not possible to state exactly what the expenses are in foreclosure proceedings, but in the majority of cases the costs run from \$400 to \$600. This is due to the fact that the Government has made no recent and accurate general survey of property in Sicily, hence it becomes expensive to trace back the titles to, and the description of, real estate, and mortgagees require that mortgageors shall furnish them with title-deeds and description of property running back three generations or three successive ownerships.

In northern Italy, where the Government has made an accurate survey, foreclosure proceedings are much less expensive than in Sicily. Mortgages pay an income tax (tax paid by mortgagee) of $13\frac{1}{2}$ per cent.

LIENS.

Personal property is subject to pawn (*pequo*) or pledge and to sequestration, which is conventional when two or more persons place the article in dispute in the hands of a third party, who obligates himself to return it upon the settlement of the controversy, or judicial—and takes place upon a decree of court—when the possession of an article is in dispute, or a debtor gives up his personal property to cancel his indebtedness. Personal property, including crops, in so far as liable to execution of judgment, whether found in the hands of the debtor or of a third party, is subject to attachment (*piquoramento*) and to sequestration (*sequestro*). Attachment occurs upon judgment rendered after failure of the debtor to settle after summons. Sequestration occurs upon mere evidence of indebtedness when there is just cause to suspect that the debtor will abscond or make way with his property.

Rules of procedure, established for the attachment, apply also to the sequestration, so far as concerns the property and the means of caring for the same. A debtor with no personal property, his things personal having become chattels by reason of the use to which they have been put—books, professional instruments not exceeding 500 francs in value, food, groceries, etc., for a month's support of the debtor, one cow, two goats or three sheep at the option of the debtor—may be attached and sequestered, but only to meet

claims for food furnished, rent, and for other "privileged" indebtedness. Silk-worms may be attached and sequestered, but only upon their attaining their full development. Growing crops can only be attached and sequestered during the six weeks preceding their maturity. Government pensions and salaries may be attached for one-fifth of this amount. Rations can only be sequestered for a debt for supplies.

INTEREST.

The prevailing and legal rate of interest, unless otherwise stipulated, on mortgage paper and judgments is 5 per cent.; in business the prevailing and legal rate is 6 per cent. Parties can, however, agree upon a higher rate of interest. Generally, loans guarantied by contemporaneous sale of property or by mortgage bear interest at from 6 to 10 per cent., which rates are not considered usurious.

PARTIAL PAYMENTS.

No creditor is obliged by law to receive partial payments on mortgages, obligations, or judgments. If, however, a creditor accepts a partial payment, receipting for the same, whether the receipt be acknowledged before a notary or not, the said receipt protects the debtor against his creditor and against third parties. If the whole debt be secured by mortgage, the creditor, upon a partial payment made, may, if he so choose, consent to a reduction of the face of the mortgage, and this reduction must be recorded in due form. The creditor may (can) also object to any reduction being made on the face of the mortgage.

CANCELLATIONS.

When both parties agree the mortgage is canceled by the recorder upon the written consent of the creditor. The recorder is required to cancel a mortgage upon decree of court, which occurs when the mortgage has been settled out of court or is out of date. When a mortgage is canceled, in whole or in part, the party moving in the matter must show the recorder his right for making the request. Should the recorder refuse to cancel the mortgage, the party can appeal to the civil tribunal, from which an appeal may be taken to the supreme court.

WALLACE S. JONES,
Consul.

UNITED STATES CONSULATE,
Messina, June 20, 1889.

VENICE.

REPORT BY CONSUL JOHNSON.

RECORDED INDEBTEDNESS.

The recorded indebtedness obligations guarantied by security in the shape of property, real or personal, may be divided into two general classes:

(1) What are known as *ipoteche*, including what is termed in English a mortgage as well as lien pledge, and every sort of obligation or contract in

which the creditor is secured by property, either in possession of the debtor or in possession of a third party.

(2) What it known as *pegno marittimo*, being a mortgage on a vessel or its cargo or part of the same.

Property that is subject to, or that can be pledged by means of, *ipoteche* may be divided as follows:

(1) Real estate, where no impediment to the sale of said estate exists.

(2) The profits that are derived from such an estate, with any increase that may take place in its value, with the exception, however, of that portion of the profits to which the ancestors are entitled under the law.

(3) The claim of a lease-holder and the profits arising from the property leased.

(4) Profits derived from investments in Government securities, as regulated by law.

The kind of mortgages, or *ipoteca*, that prevail in this district are—

(1) What is known as the *ipoteca legale* (legal mortgage or pledge), being that which is established by law in favor of certain specified parties in security for specified obligations or credits, as, for instance, those in favor of a married woman upon the estate of her husband, of a minor upon the estate of a guardian, of the State to the estate of a convict to cover expenses incurred in the process of law, the expense of imprisonment, correction, etc.

(2) The *ipoteca giudiziale* (judicial mortgage), or judgment against a debtor, of a competent court.

(3) The *ipoteca convenzionale*, a species of contract or mutual agreement between debtor and creditor.

All mortgages or legal pledges must be registered in record books existing for the purpose in a public office, known as the "mortgage office."

The *pegno marittimo*, being, as stated, a mortgage on a vessel or its cargo, must be registered in the maritime office of the department or marine district in which the contract was agreed upon. If made abroad, it must be registered at the Italian consulate nearest the place of stipulation.

It is absolutely necessary that the mortgage be registered, not being valid unless made public by registry in the office of mortgages in the place where the property mortgaged is situated. Mortgages do not embarrass the transfer of land titles, since in the price of purchase the amount for which the property is mortgaged is always taken into consideration.

In the case of what was defined as the *ipoteca convenzionale* of question No. 1, it depends upon the desire of the contracting parties whether the mortgage be canceled previous to negotiating the sale of the property, or whether the amount of the mortgage be included in the price and transferred from the debtor to the purchaser of the property.

It is not possible to state whether in this district recorded indebtedness is increasing or diminishing in proportion to the estimated values of property. From statistical returns of the entire Kingdom it is observed that from 1875 to 1887 there has been a continuous although small increase in the registrations of mortgages.

There being no precise data obtainable, it is not possible to state the ratio which mortgages and judgments bear to the total valuation of taxable and assessed property. A vague idea may, however, be gleaned from noting that in 1885 the registration of mortgages showed an amount of about 24,000 lire per 1,000 lire of imposts.

LIENS.

As before stated, all real estate can be mortgaged or pledged. Crops not being real estate are not subject to mortgage; they can, however, be claimed by means of a legal judgment against a debtor. In case of failure to pay when due any debt guarantied by *ipoteche*, or legal pledges, the creditor can have sold at public auction (without exception) the real estate so pledged, whether in possession of the debtor or in the possession of a third party to the contract.

INTEREST.

As a mortgage is nothing more than a simple guaranty, it does not, strictly speaking, give rise legally to any specified rate of interest. If, however, it is asked what interest is paid upon the loan of money guarantied by mortgage, legally speaking, the answer is 5 per cent., subject, however, to reduction in cases where the amount is large, and to increase when the amount is small, giving due consideration to the stability of the property mortgaged.

FORECLOSURES.

The mortgage depends absolutely for its valid existence upon its being recorded in the registers of the mortgage office (*ufficio delle ipoteche*). To effect this legal registration must be presented to the office of mortgages the essential title of the mortgages (contract, etc.), accompanied by two memoranda, or, as stated in Italian, "note," giving accurately and explicitly all data concerning the transaction, such as name, surname, parentage, status, etc., of the parties to the contract, the legal domicile of the debtor and creditor, giving the date and nature of the title to the property, the name of the party who received and authenticated the said title (notary), the noting of the sum owed, in case of a fructifying property the interest and annuity received therefrom, the nature and exact situation of the estate mortgaged, etc. The expenses of foreclosing a mortgage are in the proportion of 6 per 1,000 to the amount mortgaged, in addition to which a small fee has to be paid to the custodian of the mortgage office.

PARTIAL PAYMENTS.

Partial payments are allowed and must be registered, as well as the diminution of the amount for which the mortgage was originally made. As to whether the debtor loses all benefits by defaulting in partial payment, it depends altogether upon the nature of the contract and conditions of agreement between the contracting parties in the case of an ordinary contract in

which these points are not explicitly regulated by the law. Generally speaking, however, the debtor loses all benefits in case of failure to pay punctually either part of the capital or the rate of interest guarantied in the mortgage. In that class of loan known as *contratti di matar*, made by those institutions having the privilege of the Credit Fondiario, being in this province the Bank of Naples (Banca di Napoli) and the National Bank (Banca Nazionale), or other banking institutions that lend on mutual guaranty with mortgage, which loan the debtor can repay by specified partial payments at long intervals at fixed rates and at proportionate diminution of interest, one of the conditions is that any debtor failing to pay promptly at the time it is due a single payment, *ipso facto et jure*, loses all benefits that were conceded by the contract, and is obliged to return at once the amount borrowed.

CANCELLATION.

The mortgage is canceled at the office of registration on presentation of the act giving consent of the creditor. This paper must be legalized before a notary public if done in the Kingdom of Italy, otherwise legalized by the Italian consul.

H. ABERT JOHNSON,
Consul.

UNITED STATES CONSULATE,
Venice, August 8, 1889.

THE NETHERLANDS.

REPORT BY CONSUL ECKSTEIN, OF AMSTERDAM.

INTRODUCTORY REMARKS.

Exhaustive answers to all of the interrogatories, stating comprehensively every thing that could or might be said bearing upon and surrounding the subject to which they relate, would, perhaps, fill several volumes. Such a response, however, could be expected to emanate only from a thereto specially qualified person, who has previously made the matters under consideration an earnest study for a long period of time. I have not had an opportunity to investigate into the particulars touching them; my own knowledge of them is, therefore, merely superficial. The class of persons having the most practice and experience, and who are generally best conversant with every thing in anywise concerning or connected with the system or systems of recorded indebtedness in this country, are the notaries public. The services of lawyers are but rarely employed for any purpose in relation to mortgages, excepting in cases of litigation arising from one or another cause. On the other hand, the notaries here have, under the law, to be employed for drawing or preparing all mortgages, releases, and other papers which have to be recorded; they almost invariably, also, see to or attend to the punctual record-

ing of those documents. Moreover, there prevails the practice in Holland, and extensively, as I learn, of corporations and individuals, in town and country, who have and wish to put out money or who require and desire to take up money on mortgages, of engaging the intermediation of notaries public for the entire transaction or for the purpose of accomplishing their respective objects. I therefore availed myself of the kind offices of Messrs. Mulder and Jukkenekke, prominent and popular notaries here, who furnished to me the answers which are hereinafter given to the said interrogatories. They are put down as handed to me by the parties, almost verbatim, inclusive of certain peculiarities as to phraseology and otherwise.

I would also state that the recorders of mortgages are, in Holland, National Government appointees; their title in the Dutch language is "hypothekbewaarder," which, translated into English, means custodian of mortgages.

RECORDED INDEBTEDNESS AND LIENS.

In Dutch right, or under the laws of the Netherlands, the general rule prevails that all real and personal property belonging to the debtor is liable to his engagements, that are divided proportionally to every one's claim, unless there might exist a lawful preference between the creditors.

The aforesaid lawful preference between creditors arises from mortgage, pawn, and privilege, of which again mortgage and pawn, save a few exceptions, go beyond privilege.

I.—Mortgage is an essential right on real property, purporting to secure the payment of an engagement or to satisfy an obligation.

The principal element of our mortgage system is—

(1) That the law does not acknowledge other mortgages but those which have been conditioned by agreement.

Lawful mortgages (*hypothèques légales*) and judicial mortgages (*hypothèques judiciaires*) and judgments do not exist in or under Dutch right.

(2) That the mortgage has no validity, unless the same be recorded in the public registers, and consequently every one can immediately examine whether any real property is charged with mortgage. Moreover, the following main stipulations are ruling about mortgage:

(a) A mortgage is only possible on real property.

(b) A mortgage can be vested exclusively by such person as has the power to alienate the charged property.

(c) A mortgage is granted by authentic deed or notarial act.

(d) The creditor has not the right to take possession of the mortgaged property, but the owner of a first mortgage has the right to stipulate expressly when vesting or taking the mortgage that in default of the due payment of the principal, or of the interest due, he will irrevocably be authorized to have the mortgaged property sold by public sale, in order to get indemnified from the proceeds, as well for the principal as for the interest and charges.

II.—Pawn is a right acquired by the creditor on the personal property which is remitted to him by the debtor, or by another person in his name,

for security of the debt, and which right affords to him the power to pay himself out of the concern by preference to the other creditors.

About pawn the following main stipulations are ruling:

The pawn right on corporal personal property, as well as on actual debts to bearer, are vested by bringing the pawn under the creditor's power.

Pawn right can not be made to apply to things or objects that are left in the debtor's or pawn giver's power or possession.

As to vesting pawn right on commercial paper made out to order, there is required besides the indorsement the surrender of the paper.

Pawn right on uncorporate personal property, with the exception of commercial paper made out to order or to bearer, is vested by means of informing of the pawning the person against whom the right given in pawn has to be exerted.

When the debtor or pawn giver does not satisfy his obligations, the creditor is authorized to have the pawn sold in public sale, according to local usage, in order to get indemnified from the proceeds for the amount of the debt with interest and charges.

III.—Privilege is a right provided for by law to a creditor by preference to another, merely arising from the nature of the debt. Privileges are based on certain designated kind of goods, and on all personal and real property in general. The first have the preference to the latter. Some of the principal preferred debts on a certain designated kind of goods are—

(1) Law expenses, which have the preference even to mortgage and pawn.

(2) Rent and lease on real estate and any sums owing for household furniture.

(3) Wages due to journeymen, etc.

Some of the principal preferences on all goods are, in repective order, law expenses, funeral expenses, expenses of last illness, and wages of servants and workmen, etc.

RATIO OF MORTGAGES TO TOTAL VALUATION.

The estimated purchase value of real property in the Netherlands amounts to about 5,500,000,000 florins, of which over 25 per cent. represents the value of the property which is mortgaged. A comparison as to the ratio mortgages bear to the total valuation of taxable and assessed property seems to be impracticable.

RECORD OF MORTGAGES.

As has already been stated, all mortgages have to be recorded in the public registers. By default thereof the mortgage has no value. The range of the mortgage creditor is determined by the date of their record. The creditor has the preference for the recorded principal, and two years' interest and the current year.

INCREASE OR DECREASE OF MORTGAGES.

The proportion between the recorded indebtedness and the estimated value is that about two-thirds of the value is lent on mortgage. This is also

the limit for guardians and trustees who wish to invest the money of minors on mortgages. Besides, it is quite dependent upon the place where the property is situated and the more or less solidity of the debtor. During the last years the value of property, as well land as houses, has retrograded, but now a slight improvement is to be observed.

Uncertain as to the correct comprehension or interpretation of the interrogatory now answered, it may be said that recorded indebtedness has during the past eight or ten years greatly increased, and this quite irrespective to the proportion of estimated values. This statement would seem to be justified when reference is had to the annual reports of the existing mortgage banks. According to them the amounts represented by the current mortgages in their possession were, on December 31, 1880, 37,541,261 florins, whereas they represented the amount of 89,666,891 florins on December 31, 1887.

UNRECORDED INDEBTEDNESS.

With a view to the system as prevailing in Holland it is entirely impossible to arrive at any probable proportion of existing recorded and unrecorded indebtedness.

INTEREST.

The ruling rate of interest is quite dependent upon the property mortgaged. During the last two years the rate of interest on good securities, owing to the great abundance of capital, was 4 to $4\frac{1}{2}$ per cent. Mortgage banks now contract loans even at $3\frac{3}{4}$ per cent.

FORECLOSURES.

When real property is charged with a first mortgage, then the debtor may, without the least formality, sell the property voluntarily. In case, however, that the property does not yield the amount of the mortgage, then the aforesaid mortgage continues to be a lien on the same if the owner of the first mortgage, when taking the mortgage, has reserved the right that the property may not be cleared from mortgage. This right appertains exclusively to owners of first mortgages. If the property is charged with further mortgages, then the debtor has likewise the right to sell it voluntarily, but only at public auction, according to local usance, in the presence of a public functionary and of the justice of the peace, and provided the registered creditors have been notified thereof thirty days at least before the adjudication. In case the property does not yield the amount of the later recorded mortgage, then a judicial ranging will clear the property from those mortgages of later date in excess of the amount of the purchase money.

When the property is sold at a price below the amount of the first mortgage there arises no difficulty by the transfer, because the first mortgage then continues to be a lien on the same property. When the first mortgage is covered by the proceeds, then the transfer offers no difficulty.

PARTIAL PAYMENTS.

When conditioning a mortgage, it may be covenanted between debtor and creditor that the former is bound to redeem yearly a certain amount on the whole sum after a fixed lapse of time. This condition is registered, but the decrease of the mortgage is not entered in the registers. The debtor being in default with the payment of interest or of the stipulated redemption, the mortgage is exigible, and by default of payment in full the property is sold at public auction by the creditor in the manner described in the answer to the sixth and seventh interrogatories.

CANCELLATIONS.

The entries are canceled either at the expense of the debtor or in consequence of a decree of the court. In such a case an authenticated deed has to be presented at the office of the recorder of mortgages authorizing him to cancel the mortgage in either case.

D. ECKSTEIN,
Consul.

UNITED STATES CONSULATE,
Amsterdam, June 20, 1889.

NETHERLANDS.

REPORT BY CONSUL ELLIS, OF ROTTERDAM.

RECORDED INDEBTEDNESS.

Mortgages on real property are copied at length in official books kept for that purpose in the custody of an officer designated "controller of the bureau of mortgages." The bureaus are established for the principal towns and the vicinity.

Chattel mortgages are not known in Holland, or, at least, in this consular district. Personal property may be used as security for a debt, but then it is always delivered to the lender or creditor to be held as a gage or pledge.

Judgments are rendered in Holland for specific sums of money and for other relief, but these judgments do not constitute a lien on property. There is no record of judgments, and inquiries with respect to judgments existing will not be answered by the public officials, except, of course, to the judgment creditor or his personal representatives.

A mortgage must be recorded to give the mortgagee his lien and preference. Thus, if there be more than one mortgage made, that which is first put on record has the preference, no matter what may be the date or delivery of the respective instruments. The percentage of mortgages, the only recorded indebtedness in Holland, is increasing.

UNRECORDED INDEBTEDNESS.

It is not possible, so far as I can learn, to arrive at a probable proportion of existing recorded and unrecorded indebtedness. Beyond the fact stated

by me herein, in reply to question 3, that mortgages are about 50 per cent. of the value of real property in the towns and a much smaller percentage on farms, I can get no information as to indebtedness of any kind here.

I think I should add that the number of bankruptcies in this consular district are few in number and small in the amount of indebtedness, and that the percentage of dividends paid under composition deeds with the creditors is about 13 per cent. Composition deeds, which are secured by about one-third of the bankrupts here, can be entered into whenever two-thirds of the creditors in number, representing three-fourths of the indebtedness, or whenever three-fourths of the creditors in number, representing two-thirds of the indebtedness, agree to sign. The remaining creditors are then bound to receive the agreed percentage in discharge of their claims. The percentage of creditors and of the indebtedness above mentioned must be exclusive of the creditors and the indebtedness which is privileged or secured.

RATIO OF MORTGAGES TO TOTAL VALUATION.

I have made diligent inquiry as to the percentage of mortgage indebtedness to total valuation in this consular district, there being no chattel mortgages or liens by reason of judgments, and I have found the estimates (there is, as I am informed, no public or other record of the amount of mortgages) to be so far apart that I make the statement of the probable percentage with much hesitation. This percentage I put at 50 per cent. in the towns, the farms being much less encumbered, upon the information given to me by a notary of high standing and wide experience.

Property for taxation is not assessed upon the capital value of real and personal property. The rates are collected upon the rental value of real property and personal taxes upon the number of rooms furnished in the dwelling, number of windows and chimneys in the house or dwelling, and number of servants employed. These taxes are paid by the tenant or occupant of the building. Lands having a rental value are taxed upon that value, the taxes also being paid by the tenant or occupant. There is a small ground tax paid by the landlord.

LIENS.

No liens are put upon personal property. Where judgment is recovered against a debtor his personal property may be taken in execution by the proper public official, and there is exempt from execution only the common necessary household furniture and the clothing of the members of the family. Executions are, however, rare, for imprisonment for debt after judgment still prevails in Holland, and the judgment debtor, with but little exception, applies for the benefit of the bankrupt act. The effect of this application relieves him from imprisonment, and will operate to discharge him from prison if he is custody for a debt. The creditor is required to pay the charge of the sustenance of the debtor whilst imprisoned, the daily charge being fixed by law at 42 cents in winter and at 36 cents in summer. I may mention that foreigners can be arrested and imprisoned for debt, without being heard, upon

a judge's order, which is given upon proof of indebtedness. The like exemption of household furniture and of the clothing of the family is given in the bankruptcy proceedings.

INTEREST.

The legal rate of interest has been abolished. The prevailing rate on mortgages is 4 and $4\frac{1}{2}$ per cent. On ordinary money transactions the rate is 5 per cent., and in commercial transactions it is 6 per cent.

MORTGAGE COMPLICATIONS OF TITLE TRANSFERS.

Mortgages complicate and embarrass the transfer of land titles. The mortgageor must pay off his mortgage debt before he can transfer or convey the property, unless he has the mortgagee's consent to sell. And he can not make any further mortgage without the consent of the prior mortgagee, otherwise the prior lien can be enforced at once. The title papers are deposited with the first mortgagee.

FORECLOSURES.

Upon any default in payment, or any violation of the terms of the mortgage, the mortgagee, through his representative, who is, commonly, a notary, and that notary the person who has lent the money on the mortgage, and in whose hands it is put to collect the interest and the principal, for which services he charges a small percentage, about one-fourth of 1 per cent., who directs an officer called the commissioner, and who has the authority of a sheriff in the United States, to give the mortgageor notice that his property will be sold forthwith unless the debt is paid, and upon failure then to pay the property is sold. The entire expense of collection of the debt is small—not 1 per cent. There is no equity of redemption.

PARTIAL PAYMENTS.

Partial payments may be made, but they are not put on record. In Holland a debtor may pay his debt at any time, notwithstanding it is stipulated or agreed that it shall be paid at a future date. Corporations, private and municipal, have recently sold new bonds at a lower rate of interest and paid off an existing indebtedness, bearing a higher rate of interest, not yet matured. That these older bonds were selling at a premium—the holder by this payment losing part of the value of the bonds—did not avail; they were discharged by payment.

Mortgages are generally made, in Holland, payable in installments of 10 per cent. annually. The great body of the mortgages now being made are for money borrowed by builders to enable them to construct houses, many of which are now being built in this consular district at least.

Partial payments are, of course, credited on the principal, but the property must be sold to pay the unpaid balance of the debt, so that the partial payments are lost to the mortgageor if the property fails to produce sufficient to discharge the unpaid balance.

CANCELLATIONS.

The notary who lent the money, or some other notary, directs the controller of the bureau of mortgages to cancel the mortgage, proof of payment being shown to him (the controller), who thereupon draws a diagonal line, in ink, across the face of the record of the mortgage.

HOWARD ELLIS,
Consul.

UNITED STATES CONSULATE,
Rotterdam, August 12, 1889.

BANKRUPTCY LAWS OF THE NETHERLANDS: ABSTRACT.

[Inclosure is Consul Ellis's report.—Taken from the commercial code of the Netherlands.]

OF TRADER'S AND COMMERCIAL ACTS.

SECTION 2. Traders are those who do acts of commerce, and whose habitual profession is trade.

SEC. 3. The law generally considers as acts of commerce the purchase of goods for the purpose of reselling the same, either wholesale or retail, either in their natural or manufactured state, or merely the purpose of letting the same for hire.

SEC. 4. The law likewise includes, under the denomination of "acts of commerce"—

- (1) Commission business.
- (2) Whatever relates to exchange transactions, without distinction as to the persons concerned, and whatever relates to notes payable to order with regard to traders only.
- (3) The acts of traders or merchants, bankers, brokers, administrators of public stock, both at the charge of this Kingdom and of foreign governments, all in their aforesaid capacities.
- (4) Whatever relates to contracts for the building, repairing, and fitting out of vessels and the purchase or sale of vessels for inland or foreign navigation.
- (5) All forwarding and conveyance of merchandise.
- (6) The purchase and sale of ship's stores and provisions.
- (7) All ship-owning, freighting, or chartering of vessels, as also bottomry and other agreements relative to shipping.
- (8) The hiring of masters, mates, and mariners, and their engagements in the mercantile marine.
- (9) The acts of factors, ship-brokers, custom-house agents, and of book-keepers and other merchant clerks in the business of their employers.

(10) All insurances.

SEC. 5. The obligations consequent upon vessels coming into collision, drifting, running foul of each other, or running each other down, the obligations resulting from assistance or salvage in case of shipwreck, from stranding or the picking up of goods floating at sea, from jettison, and from average, are mercantile matters: (Commercial code of Holland, book I, page 1.)

OF BANKRUPTCY.

SEC. 764. Every trader who suspends his payments is by judicial sentence declared to be in (a) state of bankruptcy, either on his own declaration, at the request of one or more creditors, or, finally, at the requisition of the public prosecutor. (Commercial code, book III, page 171.)

SEC. 765. The trader must give notice, within three days, of his suspension of payment at the proper court of his domicile. (*Ibid.*)

The court must decide as quickly as possible on the petition. (*Ibid.*, page 172.)

SEC. 767. The estate of a deceased trader, after having stopped payment, can be declared to be in state of bankruptcy * * * provided the request to that effect be presented at least within three months after the debtor's decease. (*Ibid.*, page 172.)

SEC. 769. The bankruptcy dates from the day of the declaration, petition, or requisition. (*Ibid.*, page 172.)

SEC. 770. In consequence of the sentence declaring the state of bankruptcy, the debtor or his heirs lose the control of the estate. (*Ibid.*, page 173.)

SEC. 771. Upon the sentence being declared all judicial proceeding against the debtor's property, and against him for arrest and detention, are immediately stopped. (*Ibid.*, page 173.)

All suits to reclaim property for the benefit of the debtor are continued. (*Ibid.*, page 173.)

SEC. 773. All payments of debts not yet due at the commencement of the bankruptcy made by the debtor within forty days before the day are restored to the estate. (*Ibid.*, page 173.)

SEC. 774. Pledge or mortgage granted by the debtor within forty days before the commencement of the failure are void in the two following cases: (1) If granted as security for engagements entered into before that time; (2) if they have been granted as security for engagements entered into within that term, and not directly established by the original agreement. (*Ibid.*, pages 173, 174.)

SEC. 775. All donations of personal or real estate made by the debtor are judicially void, with respect to the creditor, if they have taken place within the term of sixty days before the commencement of the bankruptcy, even if the parties should have acted in good faith. That term is doubled in case the endowed is related to the donor by kindred or marriage, in the ascending or descending line indefinitely, or in the collateral line to the fourth degree, inclusive. (*Ibid.*, page 174.)

SEC. 776. A gift made at any time can be annulled in the interest of creditor, if the donee knew the financial condition of the donor, though the gift was received in good faith. (*Ibid.*, page 174.)

SEC. 777. All deeds or any transfer of property can be annulled when the debtor and his grantee or transferrer acted in fraud of the rights of creditor. (*Ibid.*, pages 174, 175.)

SEC. 778. By the bankruptcy the debts not yet due, running at the charge of the debtor, become exigible as regards himself.

If the debt, however, was to be paid off by yearly installments, or only to become exigible after the lapse of three years or later, without the debtor being in either case liable in the payment of interest, the capital, for which the creditor is acknowledged in the estate, shall be estimated by the judge according to the lesser value resulting therefrom. (*Ibid.*, page 175.)

SECS. 779, 780, 781, 782. Conditional claims upon the bankrupt shall be estimated, or, if that be impracticable, the creditor may have his dividend on his full claim on giving security to restore any overpayment, and if security can not be given by the creditor, such dividend shall be deposited to the creditor's credit, to be paid to him as his interest shall ultimately appear. (*Ibid.*, pages 175, 176.)

SECS. 783, 784, 785. Conditional claims due the bankrupt shall be sold or settled. (*Ibid.*, pages 176, 177.)

SEC. 791. Creditors whose claims have been rejected can appeal within fourteen days. (*Ibid.*, page 179.)

SEC. 798. The bankrupt must assist the officer in charge of the estate to enable him to acquire complete possession of it, and he may be examined under oath as to his property, to discover any concealed assets. (*Ibid.*, page 781.)

SEC. 809. All perishable goods of the bankrupt's estate must be sold. (*Ibid.*, page 183.)

Other goods shall be sold as the court shall direct. (*Ibid.*, page 183.)

SECS. 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, and 828. All claims must be verified under oath. All disputes between creditors may be referred by the court for determination without summons. Preferred creditors and those who hold any security must make, when presenting their claims, sufficient statements to show a preference and what their secur-

ity is. All creditors must have notice by letter of the proceedings for proof of claims. All creditors must give notice when service of notice and papers may be served upon them at the domicile of the bankrupt. In default of such notice all summonses and notices for them, can be served and delivered at the recorder's office of the court. (*Ibid.*, pages 185-188.)

SEC. 835. The bankrupt is qualified to offer a composition to his joint creditors. (*Ibid.*, page 189.)

SEC. 836. This composition can be proceeded with only upon eight days' notice before the first meeting of creditors. (*Ibid.*, page 190.)

SEC. 838. The composition shall be decided upon only by those creditors whose claims have been acknowledged, or are in judgment. Privileged and secured creditors shall have no vote unless they renounce their privilege, pledge, or mortgage in favor of the estate. This renunciation shall be void if the composition is not agreed to. (*Ibid.*, page 190.)

SEC. 839. Creditors who have not appeared at the first meeting of the composition shall be admitted to prove their claims at subsequent meetings, provided their claims are not disputed, and they duly verify their claims under oath. (*Ibid.*, page 190.) [It seems from this that there must be a sworn statement of claims in the composition proceedings.—H. E.]

SEC. 840. To the deliberation shall likewise be admitted those who have previously appeared by attorney, and whose oath had been required, after they shall have taken oath either personally or by attorney. (*Ibid.*, page 190.)

SEC. 841. For the acceptance of composition is required the consent of two-thirds of the concurring creditors, representing three-fourths of the amount of the claims which are unprivileged and not covered by pledge or mortgage, or of three-fourths of the creditors, making up two-thirds of the said amount. (*Ibid.*, page 190.)

SEC. 842. The agreement to the composition shall, after its acceptance, be immediately signed by the creditors who have acceded thereto. (*Ibid.*, page 191.)

SEC. 845. Creditors who have not acceded to the composition, that is, those whose claims have not been proven, may oppose the composition upon reasons which must be filed at the recorder's office within eight days after the general acceptance of it, and "the fact that assets considerably exceed the amount of the composition proposed" is a good ground of opposition. (*Ibid.*, page 191.)

SEC. 848. The sanction of the court is requisite to give the composition effect. This sanction shall be without prejudice to the rights of such as have any preference, or are holders of a pledge or mortgage. (*Ibid.*, page 192.)

SEC. 850. On granting the sanction, the court is competent, on the proposal of the judge-commissary (this is the officer who has heard all of the proceedings) and after hearing the public prosecutor, to rehabilitate at once the unfortunate bankrupt who has acted in good faith. (*Ibid.*, page 192.)

In all other cases a rehabilitation can not take place in any other manner than that ordained in the last section of this chapter. (*Ibid.*, page 193.)

SEC. 851. If no composition has been offered or accepted, or the sanction has been refused, the court declares the estate insolvent, and commands the same to be adjusted by the curators. (*Ibid.*, page 193.)

SEC. 852. On the making of the mandate the curators shall adjust the estate in observance of the rules given below. (*Ibid.*, p. 193.)

SEC. 853. The personal estate shall be sold at public auction, unless for the benefit of the creditor the court shall direct a private sale. (*Ibid.*, page 193.)

SEC. 854. A pledgee shall be privileged to exercise his legal rights, giving the curators due legal notice. (*Ibid.*, page 193.)

But the curators may compel the sale of the pledge within a reasonable time. (*Ibid.*, page 193.)

SEC. 855. The pledgee must pay over any surplus to the curators. (*Ibid.*, page 194.)

The pledgee may claim for any deficiency. (*Ibid.*, page 194.)

SEC. 856. The curators may pay the debt and take the pledge for the benefit of the estate. (*Ibid.*, page 194.)

SEC. 857. The real property must be sold by the curators at public sale in the presence of a competent official appointed by the judge-commissary. (*Ibid.*, page 194.)

SECS. 858-861. The mortgagee may sell and account for the surplus, or claim for a deficiency, and the curators may compel a sale within a reasonable time. (*Ibid.*, pages 194, 195.)

SEC. 862. After the sale of the personal and real estate the curators must make out a statement. (*Ibid.*, page 195.)

And the judge-commissary makes or draws up a general statement with a classification of all privileges, and pledges, and mortgages, and then shows the amount due the concurring creditors. (*Ibid.*, page 195.)

SEC. 863. In the distribution of the estate the curators are first to be paid their compensation, which is 1 per cent. of the estate, real and personal. A greater sum may be directed to be paid by the court if the estate is small or the labors of the curators have been unusually onerous. (*Ibid.*, pages 195, 196.)

SECS. 864-870. The statement of the judge-commissary may be opposed within fourteen days by any creditor who has verified his claim, or who shall duly verify his claim, and every such creditor should be heard by the court, if he desires to be heard in opposition. (*Ibid.*, pages 196, 197.)

SECS. 870-872. After the classification is closed, that is, after the determination of the statement of the judge-commissary, the assets shall be proportionally divided between the concurring creditors, or the curator may, with the consent of the judge-commissary, make a dividend upon the assets in part in hand, they being in funds, notice of payment being given to the creditors, and in this partial distribution the creditors who are secured shall participate for their full claims, the payments to them being credited upon their claims. (*Ibid.*, pages 197, 198.)

SECS. 873-877. A non-concurring creditor may verify his claim and be paid his full percentage out of any remaining funds, but he can not reclaim any thing from the creditors who have received their dividends; a secured creditor may also verify and claim upon his full demand, but without any right of reclamation from the creditors who have been paid their dividends; but such secured creditor can not so claim unless he holds the personal obligation of the bankrupt for the payment of the debt secured. (*Ibid.*, pages 198, 199.)

SEC. 878. When the creditor has a joint demand upon several bankrupts he may claim in full against their respective estates. (*Ibid.*, page 199.)

SEC. 879. A surety may claim as a creditor upon any payment of the principal's debt. (*Ibid.*, page 199.)

SECS. 880-883. The bankrupt's wife can claim all personal and real property belonging to her, and any acquisition after marriage by inheritance, legacy, or gift, except from her bankrupt husband, upon proper proof; and she can exercise her rights as a secured creditor, and, also, claim as an ordinary creditor for an unsecured debt due her. (*Ibid.*, pages 199, 200.)

SEC. 886. Should further property be discovered it shall be distributed in like manner. (*Ibid.*, pages 200, 201.)

SEC. 887. If the bankrupt should acquire before his rehabilitation and after the discharge of the curators an amount of property worth the distribution, it shall be paid to the creditors in like manner. (*Ibid.*, page 201.)

SEC. 890. If the bankrupt is in confinement, he will be released upon the "declaration of bankruptcy and the insolvency consequent thereon," and he will be exempt from arrest, of course, in both cases for civil demands after such declaration and insolvency. (*Ibid.*, page 201.)

SEC. 891. The bankrupt can be discharged from confinement or become exempt therefrom only in such cases where claims may be made against him to be satisfied out of the abandoned estate, and before any discharge the moving creditors must have notice, so that they may be heard in opposition. (*Ibid.*, pages 201, 202.)

SECS. 892-899. The bankrupt shall be rehabilitated upon his petition to the court which has declared the state of bankruptcy, unless the creditors, or any of them, oppose within two months, the petition being duly posted up or published in the newspaper or newspapers designated by the court, and then upon a hearing, should the court decide in his favor.

To the rehabilitation are not admitted those who have been declared guilty of fraudulent sale or been sentenced for fraudulent bankruptcy, theft, imposture, or abuse of money or goods intrusted to them.

The petition of the bankrupt or his heirs is not admissible unless accompanied by a certificate showing that all the creditors have each of them been paid to their satisfaction. (*Ibid.*, pages 202, 203.)

SEC. 900. Surcease of payment is exclusively granted to merchants who, either by circumstances of war or by other unforeseen calamities, are rendered unable for the time present to satisfy their creditors, but show a balance-sheet of their estate, corroborated by proper vouchers, that by the delay to be allowed them they shall be enabled to pay them in full. (*Ibid.*, pages 203, 204.)

SEC. 905. The petition of such embarrassed debtor shall be duly heard, and two of the principal creditors shall be immediately appointed by the court "to take, together with the debtor, the management of his affairs." (*Ibid.*, pages 204, 205.)

SEC. 914. Surcease of payment can be granted by the high council for the time it shall deem necessary, provided it do not exceed twelve months. (*Ibid.*, page 207.)

SEC. 918. The surcease does not affect any existing rights. All legal proceedings, even attachments, shall stand. (*Ibid.*, page 208.)

SEC. 922. The high council can revoke the surcease for bad faith or deterioration of the estate. (*Ibid.*, page 209.)

SEC. 914. If it appears to the high council by the report of the commissaries that two-thirds of the concurring creditors whose claims amount to three-fourths of the debts, or three-fourths of the creditors whose claims amount to two-thirds of the debts, have opposed the petition, it is rejected without further inquiry. (*Ibid.*, page 207.)

EXTRACT FROM THE LAW OF MAY 10, 1837, (ACT NO. 21) CONTAINING SUPPLEMENTARY REGULATIONS RESPECTING SIMPLE AND FRAUDULENT BANKRUPTCY.

ARTICLE 2. A trader shall be declared bankrupt and prosecuted for simple bankruptcy under the following circumstances: (1) If the disbursements made for his household or house-keeping, which he is bound to enter in his journal, are judged to be extravagant; (2) if it appears that he has suffered important losses by gambling or by dangerous undertakings merely depending on hazard or chance; (3) if it appears by his last balance that he has borrowed large sums or has sold goods at a loss and under the market price while his debts exceeded the assets of his estate by 50 per cent.; (4) if he has issued bills of exchange or other commercial paper for circulation for more than thrice the amount of the assets of his estate, according to his last statement or balance-sheet.

ART. 3. (1) If he has not made the declaration at the recorder's office required by section 765 (notice of suspension of payment); (2) if, while at liberty, he has not appeared, though regularly summoned (in the bankruptcy proceedings); (3) if his books, although without any trace of fraud, are irregularly kept, or if he does not produce all his books; (4) if, on the bankruptcy of his firm or partnership in trade, he has not complied with section 765 (notice of suspension of payment).

ART. 4. Simple bankruptcy is presented before the correctional courts, which, in case of condemnation, must order its sentence to be posted up and to be inserted in the newspaper it indicates.

ART. 5. As a fraudulent bankrupt [he] shall be prosecuted [as] the insolvent trader under the following circumstances: (1) If he has represented feigned disbursements or losses as real, or does not account for all his receipts; (2) if he has concealed any sums of money, any

debts owing to his estate, any goods, merchandise, or any personal estate; (3) if he has entered fictitious sales, loans, or donations; (4) if, in collusion with pretended creditors, he has represented fictitious debts of his estate as real by making out fraudulent writings or documents or by acknowledging himself to be indebted without material cause or value received either by private or official bond or deed; (5) if, when charged, either by special mandate or as trustee, with the keeping of moneys, commercial paper, goods, or merchandise, he has applied to his own benefit the moneys or the value of the property implied in such charge or trust; (6) if he has bought personal or real estate under a feigned name.

ART. 6. (1) If he has hidden his books, or not kept any books, or if his books do not show the real state of his affairs or do not present a true statement of his assets and liabilities; (2) if, after being released from the custody under which he had been placed, either without or under bail for his appearing when called, he has failed to appear when regularly summoned, although not prevented by any legal cause.

ART. 7. Fraudulent bankruptcy and participation therein are prosecuted as all other crimes, and sentences made public by being posted up, with insertion in such newspaper as the courts designate.

ART. 9. Shall be declared accomplices of fraudulent bankruptcy and punished as fraudulent bankrupts those who will be convicted of having combined with the bankrupt to conceal any of his personal and [or] real estate or to defraud the estate thereof, or to have acquired or contrived false claims on him and persisted in their attempt to have the same admitted as real and true, even when affirmation upon oath was judicially required. (*Ibid.*, pages 218-220.)

SEC. 74. Bankers or cashiers are persons to whom funds are intrusted for safe keeping and making payments therefrom against a certain remuneration or commission.

SEC. 75. A banker suspending his payments or failing is presumed to have caused the derangement of his affairs by his own fault. (*Ibid.*, page 16.)

[The effect of these sections of the code is that a banker or cashier must pay the deposit account in full, and he may be prosecuted and imprisoned if he fails so to pay.—H. E.]

PORTUGAL.

REPORT PREPARED FOR CONSUL-GENERAL LORING BY COUNSELLOR EDWARD SAMPAYO, OF LISBON.

RECORDED INDEBTEDNESS.

In Portugal the law that regulates the rights and obligations with relation to privileges and mortgages is the civil code. Mortgage, according to the code, is a right conceded to certain creditors to be paid by the value of certain immovable property of the debtor, and with preference over other creditors, their credits being duly registered.

Legal mortgages.—There are legal mortgages and voluntary mortgages. The former result immediately from the law independent of the will of the parties and exist from the fact that there exists an obligation to which they serve as security. The latter proceed from contracts and dispositions of ultimate will.

The following creditors have a right to legal mortgage:

(1) The national exchequer, municipalities, and public offices on the property of their respective responsible functionaries and on the property of their sureties, in conformity with the fiscal laws and administrations for the payment of the sums they are in arrears and for which they are responsible.

Nos. 110 and 111—9.

MOVABLE AND IMMOVABLE PRIVILEGES.

There is no mortgage upon movable property, but, notwithstanding that there is no register for such property, the law allows to certain creditors the facility to be paid in preference to others, independent of the register of their credits. Therefore, there are movable privileges and immovable ones. Some constitute different classes if they are upon special property of the debtor, others fall upon the generality of the property. There are only three classes of immovable privileges, even when the property is charged with mortgages. They are, (1) the credits for taxes due to the exchequer for the last three years and on the value of the property over which the said taxes are charged; (2) the credits deriving from expenses made on the last three years for the preservation of the property in relation to that to which such expenses are applied, without exceeding the fifth part of the value of the said property; (3) the credits deriving from legal charges made in the common interest of the creditors on the value of the property for which they were made.

In Portugal there does not exist the official valuation of property, but there exists the property census (*matris*), which is the valuation of properties made by the administration for the object of charging the predial import. There are not as yet statistics by which can be known the proportion of property on which there are charges subject to register with relation to the totality of the property, neither does the form of valuation offer a secure basis.

The description of buildings to be registered should contain the valuation, or, failing this, the selling value or annual rent which the person registering attributes to the building, either declaring it in writing or taking as basis the titles produced.

Mortgages do not impede the transmission of property.

The want of statistics does not allow giving an exact answer to the question as to whether the recorded indebtedness is increasing or diminishing in proportion to estimated values; but since the civil code was instituted (1868) the increase in the register of debts has been considerable. The old tacit mortgage is done away with.

MORTGAGES SUBJECT TO REGISTER.

All mortgages are subject to register so as to have effect against a third party, in order that in this manner payment can be demanded in court. The execution for mortgaged credits is summary, but can not be considered as mortgaged whilst certificate of the register of the mortgage is not produced. The distrainee can only oppose the execution on some of the following bases: (1) The illegitimacy of the distrainor; (2) the illegitimacy of the distrainee when he is not the possessor of the property mortgaged; (3) nullity of the constitutive title of mortgage; (4) nullity or extinction of the mortgage; (5) prescription; (6) renewal or payment, proved immediately by documents; (7) full compensation, with competent execution, when allowed in the terms of the law and when immediately proved by documents. If the title is shown to be false, the process for the case of falsity takes place. The right of mort-

gaged creditors in any preference competition can only be opposed by showing an admissible opposition on the terms above mentioned.

REGISTER OFFICES.

For the predial register there is now in each department of the continent of the Kingdom and adjacent islands a private register office with seat in capital of the same department, excepting in Lisbon, Oporto, and Funchal, where there are more than one. The posts of registrars of mortgages are filled by doctors in law, by competition, appointed by the ministry of justice. The registrars can have assistants. The registrars and their assistants are exempt from public functions or charges besides the attributions determined in their special regulations; however, they may, if they like, accumulate their functions with those of public notary in the respective department, preceded always by the authorization of the Government, which will be given after the competent information.

In all register offices the following books must exist for the service of the register of property:

(1) Diary (A) for the purpose of noting the petition for certificates, of titles presented every day for register, and of the books and pages where the register was made.

(2) Book of predial description (B) for the purpose of describing the property for the first time submitted to register and to the additions, divisions, and other modifications which may thereafter occur on the property already described.

(3) Book for different inscriptions (F) for the purpose of inscribing all the facts mentioned in the answer we gave to the first question, excepting the mortgages and transmissions.

(4) Book of mortgages (C) for the purpose only of the inscription of mortgages.

(5) Book of transmissions (G) for the purpose of the transmissions of immovable property and of predial rights when they have been effected in any manner admitted by law after the first of April, 1867.

(6) The index of property (D) for the purpose of showing by parishes the property described.

(7) The personal index (E) for the purpose of indicating by alphabetic letters the names of the proprietors and of the persons passively inscribed in the register.

MORTGAGES ON SHIPS.

According to the commercial code, mortgages can be constituted upon vessels by disposition of the law or by agreement between the parties. The mortgages upon vessels may be legal or voluntary, produce the same effects and are ruled by the same dispositions as mortgages on buildings in every thing compatible with its special nature, save some modifications. The mortgage upon vessels can only be constituted by the respective proprietor or by his special attorney. When the vessel belongs to more than one propri-

etor it can be mortgaged in the totality for the expenses of armament and navigation with the express consent of the majority representing more than half of the value of the vessel.

The co-proprietor of a vessel can not mortgage separately his part of the same without the consent of the majority appointed in above paragraph.

It is also allowed the mortgage upon a vessel in construction or to be constructed for the payment of the respective expenses of construction, but on the respective documents must be specified the length of the keel of the vessel and, approximately, its principal dimensions, as well as its probable tonnage and the ship-yard where the vessel is in construction or where it is to be constructed.

The mortgage upon vessels has to be made by public document; the proprietor of the vessel, however, can open provisional register, in which the sum or sums that upon the vessel may be raised during the voyage are specified.

The deed of mortgage will be made when out of the Kingdom by the representative Portuguese consular agent. When there is no consular agent in the place where it is desired to make the mortgage it can be made in writing on board the ship between the respective parties, with two witnesses, and entered in the account book.

The mortgage upon vessels in relation to credits paying interest embraces besides the equal the interest for one year.

The mortgage upon vessels will be registered in the office of commercial tribunal of the port where the vessel is matriculated.

In the case of mortgage being made upon vessels on construction or to be constructed, the competent office will be that of the tribunal in whose district is the ship-yard.

For the matriculation of vessels in a different office to that where the vessel is constructed there has to be presented a certificate passed by the latter that there is or there is not any mortgage upon the vessel; in the affirmative the respective mortgages shall be copied also in the register or matriculation of the vessel.

The mortgaged creditors will be paid of their credits after the creditory privileges on the vessel have been paid by order of priority of the commercial register. There being divers mortgage deeds of the same date, the payment will be made pro rata.

The mortgage on vessels will be subject to expurgation according to the terms of law.

In case of loss and unnavigability of the vessel, the rights of the mortgaged creditors will exercise on what remains of it and on the respective indemnities due by the assurance.

The service of register in the office of the commercial tribunal is regulated by a special law. This service is independent of that exercised by the civil register offices.

UNRECORDED INDEBTEDNESS.

It is impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

LIENS.

The charges upon movable property are not subject to register, but can give way to execution of judgment and distraining.

Not liable to distraint:

(1) The property of the State, of municipalities, of parishes, and of any charitable, religious, or public institutions, except with regard to a debt with preference or mortgage.

(2) The habiliments used by public officers in the exercise of their functions, or the equipment of military.

(3) The books necessary to the profession of a judge, Crown attorneys, and professors.

(4) The salaries of the military and public functionaries, or any other profits which they may derive from their position; but for the sustenance which is legally owing and adjudged in favor of married persons, descendants, or ancestors can be distrained for on the part which has been adjudged, not to exceed, in any case, one-half.

(5) The money in deposit derived from property sold in public auction for the payment of the person making the execution and of the creditors who compete, as well as the money already legally distrained for, no matter its derivation.

(6) The tombs.

(7) The goods on which distraint would offend public morality.

(8) The fixed or rolling stock of railways.

(9) Pensions for sustenance due by reason of blood, relationship, or paid by the State or by any company or establishment, except when the debt derives from convertibles or goods supplied for the sustenance of that upon whom falls the execution, because in such case they can be distrained for to the value of a third.

(10) All property or rights which, according to civil law, can not be alienated or compounded.

(11) The indispensable articles for the sleeping accommodation and dress of the person distrained against and his family.

(12) The food provisions which are found in the house of the distrainee, and which are necessary for the sustenance of himself and his family for one week.

Property belonging to divers interested parties, and which has been held undivided, can only be distrained on proceeding against all the parties; nevertheless it is possible, in an execution against any one of the interested parties, to distrain the right he may have in the undivided property.

The following property can only be distrained if expressly pointed out by the distrainee:

(1) The books, machines, and instruments used for the instruction, practice, or exercise of liberal arts and sciences, and the books required for the profession of lawyers.

(2) The utensils and indispensable tools for the ordinary mechanic's occupation.

(3) The machinery, tools, and instruments destined for the cultivation of lands.

(4) The sacred images, ornaments, and every thing used in the ministry of the altar.

(5) Any property exempt from distraint by special laws.

The dispositions cease with reference to the property mentioned in Nos. 1, 2, 3, and 4 when the execution derives from the price for which they were purchased, and besides this with respect to those of No. 3 when they have been named for distraint together with the land, or when they have been expressly bound to the debt; with reference to those of No. 4 if they are of great value and the distrainee does not possess other property.

INTEREST.

- In Portugal the rate of interest is that agreed between contracting parties, without any limit, as the law recognizes the contract of usury. Interest is not counted when not agreed upon. The interest for delay, which the law only authorizes in certain cases, is of 5 per cent. per annum. There does not exist any mortgage paper but that of the Portuguese General Company for Predial Credit, municipal debentures, and of companies with mortgage upon special property. In all the interest is between $4\frac{1}{2}$ and $6\frac{1}{2}$ per cent. per annum.

FORECLOSURES.

The debtor can always get free of the mortgaged charge by paying before the sale of the mortgaged property in public auction, once that this payment embraces the capital, interest, and other expenses.

PARTIAL PAYMENTS.

The mortgaged creditor can not be forced to receive the value of his credit but by the form agreed in the contract which brought it into existence, or established in the law which constituted the mortgage; but all amortization the debtor may have given, in accordance with his contract, will be taken into account, even if the debtor does not pay the totality of the debt.

CANCELLATIONS.

Cancellations are made by the marginal note (inscription) in the register of the document proving the extinction of the mortgage.

EDWARD TEIJEIRA DE SAMPAYO.

LISBON, *September 30, 1889.*

CAPE VERDE ISLANDS.

REPORT BY CONSUL PEASE, OF SANTIAGO.

RECORDED INDEBTEDNESS.

Debts in Cape Verde colony are guarantied by privilege established by the Portuguese civil code, independent of any record as such, viz, debts by assessed property, school-masters' salaries, mechanics, medicines, mourning expenses, surgeons, insurance dues, laborers' wages, loans for tillage, and several others; but these privileges relapse upon real properties, such as debts due the Government, expenses for preservation of buildings, judges' expenses, which prefer the recorded mortgages. Debts secured by mortgages must be recorded in the conservator's tribunal of the district in which the property is situated. Debts which do not overrate the property can not be recorded in the conservator's tribunal.

Mortgages and judgments have no influence on the valuation of the property for fixation of the predial taxes, which are regulated by the total rents, after deducting 10 per cent. for repairs; but if the property is transmitted to others by inheritance, and the heir or heiress is not a legitimate son or daughter of the owner, the property is obliged to pay to the Government a tax called record tax, which is regulated by the value of the property, after deducting the value of the mortgage and the debts it may be liable to.

Mortgages do not obstruct the transfer of land property, but the creditor must distrain the property by an execution, no matter whoever may hold it, that is to say, the recorded mortgage must always join the property.

UNRECORDED INDEBTEDNESS.

It is possible to arrive at the probable proportion of recorded and unrecorded indebtedness: Of the recorded ones certificates can be obtained, and of the unrecorded ones in the conservator's tribunal. If they are at interest, or process of mutual, they are recorded at the town-hall for the inspection of the interests taxes that is due the Government. Certificates can be obtained from that office.

INTEREST.

Interest on mortgages can be agreed upon without limit. In case of no agreement as to rate of interest the legal rate is 6 per cent. from the date of claim for payment of the debt.

FORECLOSURES.

Mortgages can be foreclosed either by action at law or by sale under power. The expenses are, excepting the judge's fees, which are not obligatory, 6 per cent. on the total value of the property for the contribution of record tax and $2\frac{1}{2}$ per cent. on the total value of property for transfer tax, which are to be paid in the town-hall.

PARTIAL PAYMENTS.

Partial payments can not be recorded, but are accounted for according to the receipts which the creditor passes when he receives any payment on account.

CANCELLATIONS.

The form for canceling, according to the laws of this country, consists of a written declaration in the margin of the record, stating that it remains extinct in all or in part.

HENRY PEASE,
Consul.

UNITED STATES CONSULATE,
Santiago, October 2, 1889.

RUSSIA.

MOSCOW.

REPORT BY VICE-CONSUL WERTHEIM.

RECORDED INDEBTEDNESS.

The system of hypothecation is very imperfect in Russia. A mortgage on chattel property is effected by contract or agreement in writing between the parties interested, but no record made of it.

A mortgage on real property is executed before a notary, and the act certified to by the chief notary within whose district the property is situated. He makes a record of the mortgage in his register and causes the act to be published in the official gazette.

Judgments are recorded in the register of the court.

A very large proportion of landed property is mortgaged, probably more than two-thirds of the whole, but there is no means of obtaining accurate information upon the subject.

The recording of mortgages is not obligatory.

Mortgages complicate the transfer of titles to landed property only in so far as the transfer of the mortgage is concerned, as this can not be effected without the consent of the mortgagee.

There are no statistics which would show whether recorded indebtedness is increasing or diminishing in proportion to estimated values.

UNRECORDED INDEBTEDNESS.

A probable proportion of existing recorded indebtedness could only be arrived at by searching the notarial registers deposited in the law archives of Moscow. Unrecorded indebtedness it is not possible to ascertain.

LIENS.

Liens are placed on real property by order of the administrative powers or the courts of law, and are noted in the official gazette and one official

paper in each of the two capitals of Russia (St. Petersburg and Moscow). Personal property, including crops, is liable to seizure.

INTEREST.

The rates of interest are as follows: On mortgage paper, $6\frac{1}{2}$ to $7\frac{1}{2}$ per cent.; on judgments, 5 to 6 per cent.

FORECLOSURES.

The mortgaged property must be sold by public auction, and an order of the court obtained for that purpose. The expenses vary according to the value of the property, say from 2 to 5 per cent.

PARTIAL PAYMENTS.

Provisions for all partial payments are made by special agreements. Partial payments need not be recorded, nor does the debtor lose all benefit if he defaults in part. The surplus, if any, after satisfying the debt and payment of expenses is paid over to the debtor.

CANCELLATIONS.

Registered mortgages must be canceled before the chief notary, who grants a release.

NICHOLAS WERTHEIM,
Vice-Consul.

UNITED STATES CONSULATE,
Moscow, July 9, 1889.

REVAL

REPORT BY CONSULAR AGENT VON GLEHN.

RECORDED INDEBTEDNESS.

The usual form for mortgages used here is as follows:

As security for capital and interest I pawn (pledge, mortgage) all my present as well as future real as well as personal property, especially my estate (or premises) * * * and declare to have given my consent that this obligation be a recorded indebtedness (mortgage) thereon.

Such an obligation is then presented at the court for registration in the mortgage books kept on all real property, where it is duly entered. The obligations entered first have the preference before later entries; obligations entered on the same date are treated alike. Registries are kept here only on real property.

As basis for the security of loans on real property serve here the estimated valuations by the credit associations, confirmed by Government, as well as the revenues which can be proved as such. The credit associations are bound by statutes to a safe valuation, and generally do not lend more than half the estimated valuation. For loans on estates the valuation of the Credit Casse, at this place, offers an absolute guaranty.

It is not required that all mortgages be recorded; without being recorded, however, mortgages do not offer the desired security. Recorded indebtedness and judgments remain about the same.

UNRECORDED INDEBTEDNESS.

It would not be possible to arrive at the probable proportion of recorded and unrecorded indebtedness. This, however, matters little, as unrecorded indebtedness need not be taken into consideration if any obligation is recorded already. All possessors of unrecorded indebtedness have to come forward on the day published by the court for registration in case of execution, or they are excluded if not then entered.

LIENS.

Mortgages on personal property secure to the creditor the priority or preference only if the pawned object is a dead pledge, *i. e.*, has passed into the possession of the creditor. In all other cases such mortgages on personal property are placed, in case of execution, on the same footing, and are only preferred to the ordinary claims.

INTEREST.

The usual rate of interest prevailing here is 6 per cent.

In transferring land titles the consent of mortgage creditors is required. No other complications arise on account of mortgages.

FORECLOSURES.

If the possessor of a mortgage bond has run into debt, his creditors have by law the right to lay sequestration on the mortgage bond, and to refund themselves by public sale of the same. Actions against the debtor of a mortgage bond, and the sale of his real property, do not touch the interest of his mortgage creditors as long as the mortgage bond is paid in full at the sale.

During the last years recorded mortgage indebtedness has kept about on the same level.

PARTIAL PAYMENTS.

It is not required that partial payments be recorded. In case a debtor defaults in part, he does not on that account of itself (*eo ipso*) lose benefits granted him, but only in case such provisions have been made and are expressly mentioned in the obligation. The laws of this country allow such provisions.

CANCELLATIONS.

The usual form for canceling is:

Having received payment of capital and interest, according to this obligation, I consent that same be canceled.

E. VON GLEHN,
Consular Agent.

UNITED STATES CONSULAR AGENCY,
Reval, June 18, 1889.

POLAND.

REPORT BY CONSUL RAWICZ, OF WARSAW.

RECORDED INDEBTEDNESS.

The prevailing system of recorded indebtedness in Poland is the mortgage system. The mortgage concerns only the immovable property. The enterings into the mortgage register, or the very mortgage system of this country is of the following three kinds:

(1) The stipulated mortgage, arising from agreements among parties, made before the notaries and entered in the mortgage registers. These acts of agreements are either written in the mortgage register or before a notary; in the latter case these acts are prepared with the right of entering them into the mortgage register.

(2) The judicial mortgage, arising from the court's decrees, by virtue of which, and as a warning, are adjudged sums entered into the mortgage register; and

(3) The legal mortgage, serving by the very law some of the privileged persons, such as the minors on the funds of their guardians.

All other money obligations, non-mortgaged, are contracted either before notaries or privately among parties.

The ratio which mortgages and judgments bear to the total valuation of taxable and assessed property can not be ascertained.

All the debts encumbering an immovable property must be entered into the mortgage register, as only such debts at the sale by public auction will not be lost, as far as the sale amount will afford, in consequence of their being classified and entered into the mortgage register.

The purchaser of an immovable property is only responsible for those debts which are entered into the mortgage register.

Mortgages do not embarrass or complicate the transfer of titles. After the sale of an immovable property by auction its sale amount is classified and used for the payment of the mortgaged debts successively entered into the mortgage register. Should the sale amount not suffice to cover all the mortgage debts, in this case those debts which could not be paid by the sale amount are totally lost.

UNRECORDED INDEBTEDNESS.

It is impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

LIENS.

The liens can be placed on the personal property of a debtor possessing mortgage arrangements or not, both on his movable house and immovable landed property, either by the court's decrees, ordering, before the trial of his cause, to secure this property, or by an enforced decree in case of the execution. The distraint of a property, including crops, etc., does not ex-

empt it from the judicial execution for debts. However, applications for excluding crops and other objects from the distraint or sale can be lodged with a proper court by interested parties.

INTEREST.

The judgments pay one-half of 1 per cent. of the sum in litigation, and 80 copecks for stamps for each sheet of acts. The mortgage acts pay the following rates of interest in a stamped paper used for such acts:

Amount of mortgage.	Cost.	Amount of mortgage.	Cost.
	<i>Rubles.</i>		<i>Rubles.</i>
50 to 300 rubles.....	1.25	13,000 to 15,000 rubles.....	53.00
300 to 900 rubles.....	3.10	15,000 to 18,000 rubles.....	63.00
900 to 1,500 rubles.....	5.40	18,000 to 21,000 rubles.....	71.00
1,500 to 2,000 rubles.....	7.10	21,000 to 30,000 rubles.....	103.00
2,000 to 3,000 rubles.....	11.00	30,000 to 45,000 rubles.....	156.00
3,000 to 4,500 rubles.....	15.65	45,000 to 60,000 rubles.....	211.00
4,500 to 6,000 rubles.....	20.30	60,000 to 90,000 rubles.....	312.00
6,000 to 7,500 rubles.....	28.00	90,000 to 120,000 rubles.....	415.00
7,500 to 9,000 rubles.....	31.00	120,000 to 150,000 rubles.....	519.00
9,000 to 10,000 rubles.....	36.00	150,000 to 225,000 rubles.....	781.00
10,000 to 12,000 rubles.....	41.00	225,000 to 300,000 rubles.....	1,031.00
12,000 to 13,000 rubles.....	48.00		

FORECLOSURES.

The mortgages are not foreclosed either by an action at law against, or by a sale under power of, an immovable property, if they were duly entered into the mortgage register.

PARTIAL PAYMENTS.

A partial payment of a mortgage debt depends on the agreement among parties. If a debt is to be paid by installments, the failure in the payment of one installment requires the payment of the whole debt if there exists no contrary stipulation.

CANCELLATIONS.

In order to cancel or strike a debt out of the mortgage register it is necessary to prepare a proper act with a notary.

JOSEPH RAWICZ,
Consul.

UNITED STATES CONSULATE,
Warsaw, June 12, 1889.

SPAIN.

REPORT BY CONSUL INGRAHAM, OF CADIZ.

RECORDED INDEBTEDNESS.

The systems of recorded indebtedness, etc., which prevail in Spain are mortgages on real estate, and judgments, and attachments, and liens on vessels. There are no provisions for recording transfers of vessels, although it is proposed.

No registration is required, also, of other personal property, it being considered simply as a pledge or pawn to be held by the pawnee or a third party. In mortgages of real estate, if the property has depreciated or has become neglected, further security can be demanded by appeal to the proper tribunal.

Repairs can be enforced, and the mortgagee of irrigated lands may be compelled to keep their ditches clear, so as to subserve the purposes of cultivation.

A species of encumbrances on real estate, called *censo*, exists quite extensively, it being an advancement of capital on which a perpetual rental is paid; also *anticresis*, substantially the same as the Louisiana Code, where the creditor takes possession and accounts for the rents and profits, applying them first to the interest and after to the capital.

Record or attachment may be decreed against real property of a guardian for squandering his ward's estate, for example, and in some other cases.

It is important to note that there exists in Spain certain unrecorded and unknown claims on real estate, such as belong to the treasury or to insurance companies, known as *tacitos*, which may involve risk to the grantee or mortgagee.

A special privilege is given by law to the Banco Hipotecario of Spain to take possession within two days after breach of condition of real estate mortgaged to it, but this does not exempt the mortgagee from taking the usual course of law to obtain judgment and accounting for rents and profits if finally redeemed.

It is impossible to give the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property.

All mortgages must be recorded.

There being no statistics published or available, it is not possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

Mortgages do not complicate or embarrass the transfer of land titles.

Recorded indebtedness is rather increasing in proportion to estimated values.

LIENS.

Crops standing are real estate, but where cut may be subject to lien. It is, however, not practicable to enforce it, as laborers are, as a rule, paid off daily and legal expenses are heavy. The only exemptions from execution on personal property are one bed for each person, tools, and necessary clothing. Liens on vessels are subject to seven different preferences, the public treasury being first.

INTEREST.

The rate of interest depends on the location and value of property, character of the owner, and other circumstances. The legal rate is 6 per cent. The Banco Hipotecario charges 5 per cent., payable in five to fifty years, with an addition of $1\frac{1}{2}$ per cent., when, at the expiration of fifty years by virtue of the extra $1\frac{1}{2}$ per cent. and if all interest has been paid, the mort-

gage becomes *ipso facto* discharged and annulled. Other parties may agree to any rate of interest, which is often 8 and 10 per cent.

FORECLOSURES.

Mortgages are foreclosed by action at law, and by sale under power. There being no tariff of fees, the expense of foreclosure and getting possession varies. The process of court is long, tedious, and expensive, and this is one reason why interest is so high. A sale under power may be agreed on and enforced, but it is not done.

PARTIAL PAYMENTS.

The creditor can not be compelled to accept payment before maturity. Partial payments must be recorded, and the debtor loses all benefit if he fail to meet the terms of payment.

CANCELLATIONS.

The ordinary form for canceling is by a notarial document recorded.

DARIUS H. INGRAHAM,

Consul.

UNITED STATES CONSULATE,

Cadiz, June 14, 1889.

SWEDEN.

REPORT BY CONSUL MAN, OF GOTHENBERG.

RECORDED INDEBTEDNESS.

There are only two debts of record that are similar in effect to those in force in the United States, the first being the mortgage on real property, which, upon being duly executed and recorded, becomes a lien on the property and a notice to subsequent purchasers and encumbrancers. Its limitation is ten years, but is subject to renewal at each termination, indefinitely. The second, judgments in their effect as regards chattels, as they give the right to levy at any time.

Judgments are not a lien on real property, which is considered, in regard to them, the same as chattels, the right to levy only being given. There is nothing corresponding to our statutory liens of mechanics, artisans, laborers, and material men.

The only thing in the nature of a recorded mortgage or lien on chattels is where advances are made for the development, establishing, or working of mines, factories, grist or saw mills, book-printing establishments, breweries, whisky distilleries, and powder-mills. Upon recording the amount so advanced it becomes a preferred lien upon all the raw material, machinery, implements, and chattels contained in the mines, factories, mills, etc., on hand at the time or subsequently acquired. Should there be more than one

such lien recorded, they are preferred in the order of their priority. They are void in case of bankruptcy within one month from the date of record.

In the sale of chattels, where possession is retained by the vendor, it is required that the transaction be published in the church notices where he is registered. Such sales, by way of mortgage, do not seem to be contemplated or practiced, and, if intended as a mortgage, it is not probable that an equity of redemption would be allowed.

Judgments by confession are unknown.

Mortgages do not, comparatively, complicate the transfer of titles, as the counties or districts are numerous and the records consequently not voluminous.

RATIO OF MORTGAGES TO TOTAL VALUATIONS.

Comparison shows that the recorded indebtedness in the year 1882 amounted to 36.1 per cent. of the assessed value of real estate and incomes derived from capital or labor, which are the only estimates of values obtainable; and in the year 1886 to 32.8 per cent. of said values, being a decrease of 3.3 per cent. The following are tabular statements of the assessed values and recorded indebtedness for a number of years:

Statement showing assessed value of real estate and incomes from capital and labor, 1882-'86.

Year.	Agricultural real estate.	Other real estate.	Incomes.	Total.
1882.....	\$586,266,887	\$263,083,792	\$67,452,008	\$916,802,687
1883.....	586,661,408	274,543,335	70,190,459	931,395,202
1884.....	600,607,812	304,745,869	68,015,371	973,369,052
1885.....	600,762,504	318,644,279	68,850,164	988,256,947
1886.....	600,699,928	330,502,839	67,883,220	999,085,987

Statement showing amount of recorded indebtedness in Sweden, 1882-'86.

Year.	City.	Country.	Kingdom.
1882.....	\$225,899,580	\$103,870,896	\$329,770,003
1883.....	230,977,880	111,530,464	342,508,348
1884.....	236,067,248	112,446,028	348,415,966
1885.....	240,691,396	135,936,207	376,627,601
1886.....	245,042,272	143,720,815	388,761,088

Statement showing values of real estate sold in Sweden, 1882-'86.

Year.	Country.		City.	
	Amount.	Through execution or bankruptcy.	Amount.	Through execution or bankruptcy.
1882.....	\$27,452,400	\$1,219,900	\$14,980,500	\$547,100
1883.....	29,334,600	1,345,800	18,420,900	700,900
1884.....	26,628,000	956,100	23,902,600	869,400
1885.....	26,722,000	1,514,500	53,455,400	983,800
1886.....	26,724,000	1,742,600	24,154,400	3,220,900

Statement showing amount of mortgages on real estate recorded, renewed, and canceled in Sweden, 1882-'86.

Year.	Country.			City.		
	Recorded.	Renewed.	Canceled.	Recorded.	Renewed.	Canceled.
1882.....	\$14,544,242	\$14,209,192	\$6,662,144	\$10,749,655	\$6,106,787	\$1,569,637
1883.....	13,615,116	14,270,097	4,582,207	12,489,246	8,080,047	1,886,026
1884.....	15,562,567	15,466,140	5,391,141	14,928,205	9,270,695	1,619,975
1885.....	15,424,743	16,540,334	4,937,500	17,323,623	8,345,892	1,786,781
1886.....	16,952,400	18,629,544	5,043,171	12,047,271	8,733,511	2,057,930

Mortgages and judgments in the year 1886 amounted to about 32.8 per cent. of the amount of the taxable and assessed property. The property so taxed and assessed, and from which the estimate is made, consists of real estate and all incomes derived from capital and labor exceeding 500 kroners (\$134). All personal property is exempt from taxation.

RECORD OF MORTGAGES.

All mortgages must be recorded as against subsequent purchasers and encumbrancers. The process of recording is somewhat singular. In the first place, the mortgage is usually made in the form of a promissory note, with a clause or addition describing the property and stating that it is given as security for the amount of the note, and attested by two witnesses. This mortgage deed or note is produced before the county court where the property is situated, which court adjudicates upon its validity. If the mortgage is made with the consent of the mortgageor, and not otherwise disputed, it is tried upon *ex parte* evidence; if otherwise, the mortgageor or other parties are notified to appear and show cause why the mortgage should not be legalized. If the court decides that the mortgage is legal, it is then placed on record.

In the case of unpaid purchase money on the sale of real property, the court, at the request of the seller, can grant a mortgage for the amount due and record the same against the consent of the mortgageor, which would take the place of our vendor's lien for unpaid purchase money in equity, with the additional advantage of being a notice to subsequent purchasers and encumbrancers. A mortgage is also granted by the court without the consent of the mortgageor where the owner of real property has been ordered by the court to give security for the protection of minors' estates in his charge, and in criminal matters where he is compelled to give security. -Servants' wages not exceeding one year, doctors' bills, and rent due landlord are preferred in the order named in case of death or bankruptcy.

Personal property of all kinds and crops are subject to execution, with the following exemptions: Necessary wearing apparel and bedding, provisions for one month's support, and necessary tools and implements of trade or occupation, in the aggregate not to exceed 75 kroners (\$20.10). Further special exemptions are: Necessary burial expenses to widows of officials, county post-carriers' horses, feed for same, and vehicle, coast-guards' horses

and equipments, Government laborers' savings, money earned during imprisonment (exempt during the term of confinement), commander's and crew's clothing, etc., on vessels about to sail, soldiers' moneys and interest in savings-banks as long as he remains in service, together with pensions in general.

UNRECORDED INDEBTEDNESS.

It is impossible to obtain any reliable estimate or approximation of the amount of the existing unrecorded indebtedness.

LIENS.

Liens on chattels, such as the common law liens of tradesmen, landlords, carriers, factors, and maritime liens, and those arising by contract in the nature of a pawn or pledge, all depending upon possession, exist here.

INTEREST.

Six per cent. per annum on mortgages, whether on city or country property; 5 per cent. per annum on judgments.

FORECLOSURES.

Mortgages, both real and chattel, must be foreclosed by suit in the court where the property is recorded or situated. There is very little expense attending a foreclosure suit. In foreclosing a mortgage on realty the costs, including the sheriff's fees for execution, are about 35 kroners (\$9.38), while an attorney's fees for attending to the same would be from 10 kroners (\$2.68) to 25 kroners (\$6.70). In foreclosing chattel mortgages the sheriff's fees are 5 kroners (\$1.34) for each execution and 1.50 kroners (40 cents) for making his return. While the amounts mentioned seem remarkably small as compared with the cost of similar proceedings in the United States, there is another feature that may be taken into consideration with them; that is, the process of legalizing and recording, which, being judicial, as explained above, is expensive, costing one quarter of 1 per cent. of the amount of the mortgage. But as it decides the validity of the mortgage at the time of recording, thus lessening the liability of a contest should the mortgage be foreclosed, the expense incident to recording in such cases might be considered as part of the costs of foreclosure paid in advance.

PARTIAL PAYMENTS.

It is not essential to the validity of partial payments that they be recorded, nor is it customary to do so. They are usually indorsed upon the instrument evidencing the debt.

CANCELLATIONS.

Mortgage deeds or notes must be presented to the court where they are recorded, with a request to cancel the same. Judgments are canceled by order of the court, upon evidence—either from the judgment creditor or the return of the execution—that they are satisfied.

ERNEST A. MAN,
Consul.

UNITED STATES CONSULATE,
Gothenburg, August 24, 1889.

SWITZERLAND.

REPORT BY CONSUL ROBERTSON, OF ST. GALLÉ.

RECORDED INDEBTEDNESS.

Only the systems of mortgages, liens, and judgments prevail here. The first of these are properly recorded before the *gemeinderaths kanzlei* (municipal chancery) and the last before the *bezirks gericht* (district court).

In cases of attachment, the same are executed—

(1) On immovable objects by interdiction of alienation, mortgaging, or encumbering issued by the municipal council having powers.

(2) On movable objects: (a) When in possession of the debtor, by ordering their deposit with the *bezirks amman* (district authority), with the *gemeind amman* (municipal mayor), or with a third party; (b) when a third person has possession of them, according to the judgment of the magistracy, either by taking them into official custody or by an order prohibiting the possessor, on pain of imprisonment, from giving the objects out of his hands until further official order; (c) when the petitioner is himself in possession, by permission to retain them until further action be taken.

(3) On claims against others held by the party whose property is being attached. The debtors of such claims are forbidden, on penalty of having to give a second security, to pay the same or alienate the property until further official order, that is, all claims against others are considered part of the assets of the attached debtor.

(4) On personal identification papers by the necessary official interdiction of the making out and delivery of the same.

Through an attachment the suitor acquires the privilege of prosecuting for debt against the possessor or guardian of the attached property of the debtor. He can only acquire preferred rights to the property attached by due process of law, and in accordance with the provisions of the statutes governing prosecutions for debt and bankruptcy. An appeal against the disposition of attached property, or that temporarily seized, can be made only to the higher administrative authority.

An attachment is ordered by the *bezirks amman* (district authority), though in cases of risk from delay the *gemeind amman* (mayor) can order a temporary seizure.

As to the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property, it is thought that from one-half to two-thirds is a fair estimate.

All mortgages must be recorded.

As a rule, mortgage debts do not complicate or embarrass the sale of mortgage titles or landed property. There are, of course, exceptions.

LIENS.

Liens are placed on all kinds of personal property, including crops, either by preference or confession of judgment, and all such property is subject

to execution of judgment. The only exemptions are the actual personal and household necessities of life, such as clothes, indispensable articles of furniture, food, and the like.

INTEREST.

The admissible rate of interest for all mortgages and lawful claims is 5 per cent. The ordinary rate of interest depends upon the quality of the security, and fluctuates between 4 and 5 per cent.

FORECLOSURES.

Unless an action at law is necessitated by disputes or outside complications, mortgages are foreclosed by sale under power, and at the debtor's expense. The amount of the last is about 30 francs for each sale at auction.

Recorded indebtedness in proportion to estimated values is continually increasing, and for two chief reasons. Firstly, because of the appreciation of property values here in real estate and landed property, and, secondly, on account of the existing laws regarding taxation, which encourage fictitious mortgages, since in the case of property represented to the assessors as mortgaged a tax is levied not on the full value of the property, but on the difference between this and its mortgaged value.

PARTIAL PAYMENTS.

Only the full discharge of mortgage debts is to be entered in the official register. The mortgagee is not obliged to receive partial payments, and these are to be recorded only when made in accordance with agreement, or the consent of the creditor. The debtor does not lose all benefit by defaulting in part, but receives full credit for all prior payments.

CANCELLATIONS.

Cancellations are made by the destruction of the official seal of the instrument itself by cutting or tearing, to be done by the *gemeinde vorstand* (municipal board).

UNRECORDED INDEBTEDNESS.

It is not possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness. At present the canton of St. Galle, for instance, has no cadaster of mortgage-burdened land, and on this account it would be most difficult to get even an approximately correct result of the indebtedness of landed property in the whole canton. With much trouble and time could be gathered from the mortgage registers of the ninety-three political municipalities of the canton how great the mortgage burden of the whole landed property in the municipalities is; by adding together the results the total result could be attained.

On the other hand, it would be still more impossible to give an approximately accurate statement of all private obligations of debt.

In making the foregoing report I have digested the pertinent laws of the various cantons of this consular district. These laws differ in certain minor

and unimportant particulars, but it is hoped that the above statements will contain in a general way all the facts which would seem to be called for by the interrogatories contained in the circular of the Department.

W. HENRY ROBERTSON,
Consul.

UNITED STATES CONSULATE,
St. Galle, August 23, 1889.

ZURICH.

REPORT BY CONSUL CATLIN.

RECORDED INDEBTEDNESS.

The systems prevailing in the canton of Zurich are the following:

(1) Voluntary securities or pledges—that is to say, mortgages—may be given on immovable property (real estate); also upon realties to which attaches any possession on land or on water, such as wood privileges, water rights and water-works, fishery rights, the tavern right for hotels not accorded for a mere period of time, etc. A mortgage given for a fixed unilateral debt acquires the title of a bond (*schuldbrief*). There are, then, credit securities, bail securities, and so on, according to the nature of the obligatory relations to be secured. The ordinary term for mortgages is “ground security” (*grundversicherung*).

(2) It is not legally requisite to record liens upon building insurance taxes, upon claims arising out of building regulations made in the interest of the fire police, upon Government outlays for correcting or maintaining water-courses, etc., which have to be made for private parties, or upon outstanding contributions to the grape-vine fund, pertaining to measures of protection against the phylloxera.

(3) Voluntary securities, or liens, may be given upon cattle, but not upon tithes; upon the right of ground interest, or upon any other moving thing than cattle.

Mortgages, whether given voluntarily or under judicial decree, take precedence according to their dates, beginning with the oldest. A mortgage having first precedence must be fully covered as to capital and interest before any of the property pledged can fall to the next succeeding mortgage. Three at most, including the current interest on them, may be taken into account as being covered by security. Further accrued amounts of interest are not entitled to security, but constitute an unsecured claim upon the debtor.

RATIO OF MORTGAGES TO TOTAL VALUATION.

It is impossible to fix the ratio which mortgages and judgments bear to total valuation of taxable and assessed property, as no official valuation of property exists. According to general principles, those mortgages are considered good ones in which the amount of indebtedness does not exceed in value 60 to 70 per cent. of the property mortgaged. It may be stated that,

all things considered, property is not excessively encumbered with mortgages, although of late years the farmers, owing to wet summers, have made only small crops.

RECORD OF MORTGAGES.

All mortgages must be recorded before the proper notary. Unrecorded mortgages have no validity; there are none such.

The negotiation of mortgages is quite simple. The transfer of the record of indebtedness (*schuldurkunde*) and of the written cession suffice. While a notice to the debtor or an entry on the title register is not required, yet, on account of the claim for interest, it is proper that the debtor be notified of the transfer. Where a mortgage is well secured a sale is easily effected; in the case of a doubtful one it can be transferred only by consenting to some discount, proportioned to the circumstances of the case. The sale of property itself is not influenced by the fact that it is more or less encumbered with mortgages.

UNRECORDED INDEBTEDNESS.

To establish the proportion of existing recorded and unrecorded indebtedness is impossible, inasmuch as unrecorded indebtedness here is unsecured and is withheld from any public control. An unrecorded indebtedness bears the name of *schuld-schein*, or *obligo* (obligation), as contradistinguished from *schuldbrief* (bond), which is secured by land. There is no considerable increase or diminution of recorded indebtedness noticeable.

LIENS.

Mortgages (ground securities) are, in most cases, given for claims arising out of loans, sales, etc.; they may, however, be given for any kind of debt or means of security, the only requirement being that in the guaranty (*versicherungsurkunde*) it be stated what amount the securities shall cover. If a debtor refuses to give a mortgage, he may be compelled by judicial decree to do so, in so far as he has made himself liable. Such decree has, in itself, no value as a mortgage, but conveys the legal right to demand one from the debtor upon showing lawful ground therefor. When a debt secured by mortgage falls due the creditor has the right to demand execution through the sale of the mortgaged property at auction or by the institution of bankruptcy proceedings. When a claim is unsecured the creditor can demand payment at maturity. If payment be not made, a list of movable effects is made out, as security, three weeks after the issue of the judicial order for a demand for payment in the legal way, and, two weeks later, such effects are sold to satisfy the creditor's demand. The creditor may, if he wishes, defer the sale for six months, after which period this legal security becomes invalid. In case the creditor does not receive full satisfaction he may place the debtor in bankruptcy for the unpaid portion of the debt.

INTEREST.

The highest admissible rate of interest on loans secured by landed property is 5 per cent. The present rate of interest on preferred securities of

this kind is $3\frac{3}{4}$ to 4 per cent., and, in case of those not so well covered, $4\frac{1}{2}$ to 5 per cent. On mercantile current accounts, or credit securities, the rate of interest is determined by bank discounts. The rate of interest on unsecured claims is $4\frac{1}{2}$ to 5 per cent.

FORECLOSURES.

The foreclosure of a mortgage given as security for a debt takes place by legal means when the debtor does not make payment of his own accord. The property inscribed in the mortgage is sold at law, at cost of the debtor, within from eight to ten weeks after the date of the judgment of the court. The expense of foreclosing is moderate, and is rated according to the extent of the proceedings. It is rated as follows:

(1) A cantonal charge of one-half of 1 per cent. on the first 5,000 francs, and of one-quarter of 1 per cent. on any amount in excess thereof, the whole charge not to exceed 1,000 francs.

(2) The curator's fee, not fixed by law, but varying, according to circumstances, from 6 to 10 francs per diem.

(3) The auction charges, never exceeding 50 francs.

(4) Entry on the title register, which costs $2\frac{1}{2}$ francs on every 1,000 francs of the amount of the mortgage.

PARTIAL PAYMENTS.

The amount inscribed in the bond and mortgage is made proportional to the amount of the debt, and, consequently, partial payments by installment must be recorded on the mortgage and in the title register, so that, in case of a transfer of the bond to a new purchaser, the debtor does not incur the risk of having to pay again the installments he has already paid. When the debtor defaults in part he loses all benefit.

CANCELLATIONS.

The method of cancellation is as follows: Debtor and creditor appear in person before the notary and comply with the conditions of the bond, or empower, in writing, their attorneys to do so. The entire transaction is then entered upon the record book of mortgages, and a record is drawn up in accordance therewith and sealed with the seal of the court. The Government exercises a rigid control over proceedings of this character.

GEORGE L. CATLIN,

Consul.

UNITED STATES CONSULATE,

Zurich, June 12, 1889.

UNITED KINGDOM.

ENGLAND.

REPORT BY CONSUL-GENERAL NEW, OF, LONDON.

RECORDED INDEBTEDNESS.

In the county of Middlesex mortgages of freehold and leasehold land are recorded, as also are all transfers of land. Mortgages of copy-hold land are also recorded with the steward of the estate. All mortgages of movable goods (called bills of sale) have to be registered within seven days of the execution of the deed. There is no register of liens. To hold the land of a defendant a judgment against him has to be registered and re-registered every five years.

There is no way of ascertaining the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property.

With the exception of mortgages affecting land in Middlesex and personal chattels, mortgages are not required to be recorded.

Mortgages do not complicate or embarrass the transfer of land titles any more than an ordinary transfer of the property. The mode both of transfer and mortgage has recently been considerably simplified by the shortening of deeds, in that all covenants for title in a transfer are now implied, and all the mortgagee's powers of sale are also implied. To illustrate this I annex a sample deed of transfer, one of mortgage of land, and one of a mortgage of personal chattels.

There is no data on which to base an opinion as to the increase or otherwise of indebtedness charged on land and buildings, but the indebtedness on personal chattels is decreasing on account of the curtailment by statute of the powers of mortgagees of this class of securities.

UNRECORDED INDEBTEDNESS.

It is impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness. The present lord chancellor has proposed that all future dealings with land shall be recorded, but it is not expected that this measure will pass, as it will throw on present holders or first purchasers from them considerable expense without increasing the salable value of their land.

LIENS.

The only lien that can be placed on personal chattels or crops is by a duly registered mortgage (bill of sale), which take precedence of an execution or seizure under a judgment. The only exception to the operation of a bill of sale is that only those goods mentioned in the schedule to the document are affected by it, thus preventing any mortgage being created over after-acquired chattels.

INTEREST.

This depends on the nature of the security and the amount asked for proportionate to the value. On a mortgage of house property of two-thirds of

the value 4 or 4½ per cent. is obtained on amounts over \$5,000; the same rate on agricultural land where half the value is advanced. On mortgages of house property, for less than \$5,000, 5 per cent. is obtained. On mortgages of personal chattels the rates vary from 10 to 25 per cent., according to the character of the borrower. A judgment carries interest at the rate of 4 per cent.

FORECLOSURES.

A mortgagee can either foreclose his security^f by proceedings in the courts or sell the land by auction. The latter is the most simple and inexpensive. A foreclosure action might cost any thing between \$250 and \$500, according to the trouble involved in taking and vouching the accounts in case the mortgagee has been in possession of the property. A sale by auction might cost any thing between \$150 and \$1,500, the remuneration of the solicitor and auctioneer being regulated according to the amount realized.

PARTIAL PAYMENTS.

Except in the case of mortgages of land, etc., to building societies, and mortgages of personal chattels, it is not usual to repay the debt by installments, and in neither of these cases does the borrower lose all benefit; such default only creates an immediate power of sale over the land or goods. A simple receipt for a partial payment is all that is necessary.

CANCELLATIONS.

In the case of a mortgage of land a short deed is indorsed on the security releasing the land from the charge. When a mortgage of personal chattels is paid off a simple receipt is usually taken, but a satisfaction can be recorded if it is considered desirable.

JOHN C. NEW,
Consul-General.

UNITED STATES CONSULATE-GENERAL,

London, July 1, 1889.

FORM OF TRANSFER OF FREEHOLD LAND AND BUILDINGS.

[Inclosure 1 in Consul-General New's report.]

This indenture, made the first of January, one thousand eight hundred and eighty-nine, between John Brown, of No. 4 Threadneedle street, in the city of London, merchant (hereinafter called "the vendor"), of the one part, and James Smith, of No. 8 Leadenhall street, in the said city, goldsmith (hereinafter called "the purchaser"), of the other part, witnesseth, that in consideration of the sum of £5,000 by the purchaser paid to the vendor on the execution of these presents, the receipt whereof the vendor hereby acknowledges, the vendor, as beneficial owner, hereby conveys to the purchaser the shop and premises No. 16, in Cheapside, in the city of London, and the site thereof, which is more particularly delineated in the plan indorsed on these presents and thereon surrounded by a red line, to hold the same unto and to the use of the purchaser in fee simple.

In witness whereof, the said parties have hereunto set their hands and seals on the day and year first above written.

FORM OF MORTGAGE OF FREEHOLD LAND.

[Inclosure 2 in Consul-General New's report.]

This indenture, made the 2d day of January, 1889, between James Smith, of No. 8 Leadenhall street, in the city of London, goldsmith, (hereinafter called "the mortgageor") of the one part, and Henry Jones, of No. 8 Lombard street, in the said city of London, merchant, (hereinafter called "the mortgagee") of the other part, witnesseth, that in consideration of the sum of £3,000 paid to the mortgageor by the mortgagee on or before the execution of these presents (the receipt whereof the mortgageor hereby acknowledges) the mortgageor hereby covenants with the mortgagee to pay to him on the 2d day of July next the sum of £3,000, with interest thereon in the meantime after the rate of 4 per cent. per annum, computed from the date of these presents, and also so long after that day as any principal money remains due under these presents, to pay to him interest thereon after the same rate by equal half-yearly payments on the 2d day of January and the 2d day of July. And this indenture also witnesseth, that for the consideration aforesaid the mortgageor, as beneficial owner, hereby conveys unto the mortgagee the shop and premises No. 16, in Cheapside, in the city of London, and the site thereof, which is more particularly delineated in the plan indorsed on a certain indenture of conveyance dated the 12th day of January, 1889, and made between John Brown of the one part and the mortgageor of the other part, to hold the same unto and to the use of the said mortgagee in fee simple; provided, always, that if the said sum of £3,000, with interest thereon, shall be paid on the 2d day of July next, according to the foregoing covenant in that behalf, the said premises shall, at the request and cost of the mortgageor, his heirs or assigns, be reconveyed to him or them, and the mortgageor hereby covenants with the mortgagee that he, the mortgageor, will at all times during the continuance of this security keep the messuage and buildings comprised herein insured against loss or damage by fire in the sum of £3,000 at least, in the Sun Insurance Office, or in some other insurance office approved by the mortgagee, his executors, administrators, and assigns, and will, on demand, produce to him or them the policy of such insurance and the receipt for every premium payable in respect thereof; and it is hereby declared that no lease made by the mortgageor, his heirs or assigns, of the said premises or any part thereof during the continuance of this security shall have effect by force and virtue of section 18 of the conveyancing law of property act, 1881, unless the mortgagee, his executors, administrators, or assigns, shall consent thereto in writing.

In witness, etc.

MORTGAGE OF PERSONAL CHATTELS—BILL OF SALE.

[Inclosure 3 in Consul-General New's report.]

This indenture, made the 1st day of January, 1889, between Frederick Johnson, of Clare House, in the parish of Homsey, in the county of Middlesex, farmer, of the one part, and Cohen Moss, of No. 14, the Minorities, in the city of London, bill-broker, of the other part, witnesseth, that in consideration of the sum of £500, now paid to Frederick Johnson by Cohen Moss, the receipt of which the said Frederick Johnson hereby acknowledges, he, the said Frederick Johnson, doth hereby assign unto the said Cohen Moss, his executors, administrators, and assigns, all and singular the several chattels and things specifically described in the schedule hereto annexed by way of security for the payment of the sum of £500 and interest thereon at the rate of 20 per cent. per annum. And the said Frederick Johnson doth agree and declare that he will duly pay to the said Cohen Moss the principal sum aforesaid, together with the interest then due, by equal monthly payments of £10 on the first day of each month. And the said Frederick Johnson doth also agree with the said Cohen Moss that he will at all times during the continuance of this security insure and keep the said chattels and things insured against loss or damage by fire in the sum of £500 at the least, and also will pay all rent to become due and payable in respect of the premises on which the said chattels and

things, or any of them, now are. Provided, always, that the chattels hereby assigned shall not be liable to seizure or to be taken possession of by the said Cohen Moss for any cause other than the ones specified in section 7 of the bill of sale act (1878), amendment act, 1882.

In witness whereof, the parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed and sealed by ———, the said ———, in the presence of me, ———.

ENGLAND.

*REPORT BY COMMERCIAL AGENT WILLIAMS, OF NOTTINGHAM.**

RECORDED INDEBTEDNESS.

In this district there is no record of the indebtedness of mortgages. The prevailing system is that of a conveyance by the mortgageor to the mortgagee of the legal estate in fee simple, subject to a clause for the defeasance of the security (called the "proviso for redemption") on payment of the principal money secured and the interest thereon at a certain future date, usually, though not invariably, six calendar months after the date of the deed. The mortgage deed also contains a covenant on the part of the mortgageor to pay interest by equal half-yearly payments for so long after the date fixed for repayment as any principal money shall remain owing, and such other covenants as, according to the situation and nature of the property, shall be necessary for the maintenance of the security, *e. g.*, for insurance. The mortgagee obtains possession of all title-deeds and documents relating to or affecting the title, but there is no official record of the transactions. Leaseholds are technically chattel property, but, with certain modifications as to the form of deed, are subject to the same system as real property. All assurances for securing money on the security of personal chattels are by statute (the bills of sale act, 1882) required to be by bill of sale, according to the form given in the schedule to the act, with few modifications necessary for the maintenance of the security, such as insurance. The bill of sale must contain a schedule of the articles charged, and no after-acquired property (except in the case of fixtures, plant, and trade machinery) can be included. Any departure from the form in the schedule is very strictly construed. Every bill of sale is required to be witnessed by one credible witness, and the original bill of sale, together with a true copy thereof and an affidavit of due execution of the same, must be filed in the central office of the supreme court of judicature in London within seven days. No bill of sale for securing money may be given for less consideration than £30. Particulars of all bills of sale affecting goods are within seven days of registration forwarded from the central office to the district offices in all cases where the chattels affected are situate outside the metropolitan district. The file is open to search by any person on payment of a fee of 1 shilling and short particulars can be taken gratis. Copies can be bespoken, and taken on payment of the prescribed fee. A bill of sale protects the grantee against all creditors and assignees, but will not protect him

* I am indebted to William T. Cartwright, vice-commercial agent at this post, who is a lawyer in large and successful practice, for this report, and desire to give him the credit due him.

against bankruptcy proceedings unless the goods are taken out of the possession, order, and disposition of the grantor before the commencement of his bankruptcy. The bill of sale must be re-registered every five years. With respect to chattels, such as shares in companies, annuities, and life policies, there is no recorded system. The process of mortgaging these chattels is analogous to that of mortgaging real property, with the exception of copyright and patent-rights dealings, which require to be registered.

There is no system of recording liens. They arise either at common law, by custom of trade, or by contract between the parties.

All decreed judgments in actions brought are *ipso facto* matters of record, and an official search for them can be made on filling up a form at the central office of the supreme court of judicature in London. No judgment affects lands or chattels until a writ of execution has been issued and filed in the name of the debtor and the lands or chattels have been actually taken in execution.

Confessed judgments obtained by consent upon a judge's order must be registered at the central office within seven days or are void. They will then stand on the same footing as other judgments. I am informed that there is a process known as a warrant of attorney of a similar character to a judge's order, whereby the lender is empowered, after a certain date, if the money be not then repaid, to enter up judgment against the debtor. This warrant of attorney must be registered in the same way as a judge's order or is void. The practice is almost unknown in my district.

Only mortgages of personal chattels, patents, and copyrights are recorded.

RATIO OF MORTGAGES TO TOTAL VALUATION.

There is no means of accurately judging the proportion such mortgages and judgments bear to total valuation of taxable and assessed property. Only real and leasehold property is taxable and assessed. It is the opinion of those who are competent to judge that the proportion must be from one-half to two-thirds, on the average.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

There are various opinions as to whether mortgages complicate or embarrass the transfer of land titles. The advanced party allege that they do complicate and embarrass the transfer of land, whilst others think that they complicate the title but can not be said to embarrass the transfer, as the custom of obtaining money on mortgage of land is so prevalent as to be quite expected. It is very usual for a man to purchase land and to have part of the purchase money left on mortgage, or else to obtain part of it by means of a mortgage to a third party. There is no doubt that a certain small addition of cost to the purchaser is involved in obtaining the concurrence of the mortgagee to the conveyance, but both this charge and the charges of the solicitor to the purchaser are strictly limited by the schedule of charges contained in due order issued under the solicitors' remuneration act, 1881, which scale is based on the amount of the purchase moneys and includes all charges.

It would therefore, at least in this consular district, be rash to assert without qualification that mortgages embarrass the transfer of land, or even that the complication of the title effected by the existence of mortgages is a serious matter, though there may occasionally be cases in which the existence of a mortgage is serious, such as the lunacy of the mortgagee, or his death intestate and without next of kin, or leaving infant next of kin; but such cases, in proportion to the large number of mortgages, are very rare.

INCREASE OR DECREASE OF MORTGAGES.

It is again difficult, owing to the absence of records, to form any trustworthy opinion as to whether recorded indebtedness is increasing or diminishing in proportion to estimated values. The proportion has for some years been increasing, owing to the fall in values and the fluctuation of the lace trade, but shows some signs of diminishing slightly. It is not possible in any way to estimate the proportion of existing recorded and unrecorded indebtedness. Estimates might be made but would be exceedingly unreliable, as there no data whereby to ascertain the amount of unrecorded indebtedness.

LIENS.

The only way a lien can be placed upon personal property, including crops, is by bill of sale, as mentioned in the answer of the first question. All personal property, including crops, is liable to execution, but as to crops the landlord's claim for one year's rent, if in arrear, has priority.

INTEREST.

Strictly speaking, there is no mortgage paper. On small sums up to £1,000 (\$5,000) it is 5 per cent.; from £1,000 to £5,000 it is 4½ per cent.; from £5,000 to £20,000 it is 4 per cent., and above £20,000 it is from 3 to 3¾ per cent.

FORECLOSURES.

All mortgages may be foreclosed by action at law, and as most mortgages made before January 1, 1882, contain a power of sale, and in those made since that date a power of sale is implied by statute, it may be generally asserted that both remedies are open to the mortgagee. Isolated but very rare cases occur in which an old mortgage contains no power of sale, but in such cases the mortgagee always has the remedy of foreclosure. It is very difficult to get any accurate data as to the expense of foreclosure proceedings. It depends on the position of the property, and mainly on the further dealings with it by the mortgageor. In some cases there are numerous encumbrances, and proceedings by action are necessary. In the majority of cases a summary proceeding, by way of a summons returnable before a judge in chambers at an early date, is the method to be pursued, and the costs are materially reduced to approximately one-half those of an action. In all cases where there are no special circumstances, such as lunacy or infancy, the adoption of the summary procedure is compulsory. From £15 to £20 would prob-

ably be the cost in a simple case, but in a complicated matter, owing to the various delays, it might rise from £100 to £300.

PARTIAL PAYMENTS.

Any provisions for partial payments are made by arrangement between the parties and not by any rule of law. Partial payments need not, and, in fact, can not, be recorded; nor does the debtor lose all benefit if he defaults in part. If the parties have arranged for payment by installments and the debtor defaults in part, the creditor can only take proceedings to recover the balance, and in cases where he has a power of sale, he must exercise it discreetly and hand over any balance to the debtor. The general rule governing mortgages is that, notwithstanding the form of deed or transaction, "once a mortgage always a mortgage," and other securities are dealt with on analogous principles.

CANCELLATIONS.

Mortgages of real property, including households.—The security is not canceled at all, but a re-conveyance containing an acknowledgment that the security is satisfied is executed, and the property is thereby re-transferred by the creditor to the debtor.

Mortgages of chattel property.—A bill of sale of personal chattels is usually canceled by entering on the register of bills of sale a memorandum of satisfaction on a consent to the satisfaction, signed by the person entitled to the benefit of the bill of sale and verified by affidavit being produced to the registrar and filed in the central office. Where such consent can not be obtained the registrar may, on application by summons, and on hearing the person entitled to the benefit of the bill of sale (or on affidavit of service of the summons on that person), and on proof to the satisfaction of the registrar that the debt for which the bill of sale was made has been satisfied or discharged, order a memorandum of satisfaction to be written on a registered copy of the bill of sale.

With regard to other chattels the form of cancellation is analogous to that used in the case of real property.

G. S. WILLIAMS,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Nottingham, July 5, 1889.

ENGLAND.

REPORT BY CONSUL FOX, OF PLYMOUTH.

RECORDED INDEBTEDNESS.

Mortgages of real property are not publicly recorded or registered. By the land transfer act of 1875 provision was made for the voluntary public registration of titles, and mortgages of property the title to which is so registered must be recorded in the office appointed for the purpose. This act, however, has not been adopted in practice, and is a dead letter.

Mortgages of chattels must be registered in the court of queen's bench within seven days of execution, whenever the sum thereby secured amounts to £30.

Deeds of arrangement with creditors must also be registered in the same manner. The registration must be renewed every five years. Judgments, in the superior courts, whether affecting real or personal estate, are recorded and registered every five years.

In the county courts all judgments over £10 are registered. Cognovits and warrants of attorney, by which debtor confesses an action and allows judgment to go by default, are also registered in the court of queen's bench.

In all the above cases of registration an index is kept at the office of registry, open to public inspection on payment of a small fee.

UNRECORDED INDEBTEDNESS.

As to whether recorded indebtedness is increasing or diminishing in proportion to estimated values, no statistics are obtainable. On the passing of the bills of sale act, 1882, the numbers of bills of sale (*i. e.*, mortgages of chattels) registered decreased more than one-half, but from 1883 to 1889 they have not varied greatly in number. The decrease in 1883 is probably accounted for by the fact that if given to secure less than £30 they are made void by the act of 1882.

Judgments, in proportion to estimated values, appear to hold an even course.

RATIO OF MORTGAGES TO TOTAL VALUATIONS.

It is impossible to compute the ratio of mortgages and judgments to the total value of taxable and assessed property. The mere fact of mortgages being unrecorded renders this so. A large (a very large) portion of real estate is mortgaged, realty being considered by lenders in the light of a convenient and safe investment, and by borrowers free of all pecuniary difficulties as a speedy and effective manner of raising money for trading and other purposes. All this is in addition to mortgages of real property made by persons drifting into insolvency, or for extrication from pressing and severe monetary embarrassments.

MORTGAGE COMPLICATIONS OF LAND TRANSFERS.

Mortgages complicate the title to land, but it is not believed they really embarrass its transfer. Registration of titles not being in vogue, the conveyance deed in which the mortgages and encumbrances join is simply a private unrecorded document. Mortgages can hardly be said to prejudice the transfer of land. The facility and privacy with which money can be raised by them on land is, perhaps, one of the inducements to its ownership.

INTEREST.

The prevailing rate of interest paid on mortgages is 5 per cent. per annum on sums not exceeding £700, 4½ per cent. per annum from £700 to £1,000,

and 4 per cent. per annum above that amount. These rates vary, however, somewhat with the nature of the security, *i. e.*, whether it is wholly land, or partly land and partly buildings, and the character, situation, and value of the property. Judgments carry interest at 4 per cent. per annum.

FORECLOSURES.

The mortgage deed usually contains a power of sale, and as regards all such deeds executed after December 31, 1881, a mortgagee has a power to sue conferred on him by law in each of the following events, viz: (1) On default in payment by mortgageor for three months after notice received requiring the same; (2) some interest is two months in arrear; (3) a breach of some provision contained in the deed by the mortgageor other than his covenant to pay the principal money and interest.

The mortgagee may also (1) foreclose the equity of redemption, (2) obtain a decree for sale through the medium of the court, (3) sue at law on the covenant for payment of principal and interest, or, (4) he may enter into possession of the property and pay himself out of the rents.

The suing, under the power of sale (which may be effected either privately or by public auction), is not attended with much expense. The total cost averages 3 per cent., exclusive of advertisement and auctioneer's fees. This is the usual mode of realizing a mortgage.

As regards the expense of an action of foreclosure, it is difficult to express an opinion. Generally speaking, it is not attended with great cost. The county courts have jurisdiction to £500.

PARTIAL PAYMENTS.

Unless expressly stipulated in a mortgage deed, the debtor must pay the full sum secured. The mortgagee may, of course, though it is not compulsory on him, receive part payment of his mortgage money. This payment is not recorded at any public office, unless it is in respect of a mortgage of property the title to which is registered under the land transfer act of 1875, which, as before mentioned, is practically a dead letter. As regards judgments, the debtor is not at liberty to make a partial payment into court, but unless he pay the full amount according to the terms of the judgment, *i. e.*, if payable by installments, the full amount of installments due, or, if payable forthwith, the full amount decreed, he will lose all benefit, and the judgment creditor be in a position to levy an execution to recover his debt.

CANCELLATIONS.

The mode of cancellation of mortgages is by a deed of reconveyance or re-assignment by the mortgagee to the mortgageor, expressing that the former has been paid his principal money and interest, and that he conveys back the property to the mortgageor freed from all moneys secured by, and all claims

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under, the mortgage deed. Mortgages of chattels personal being registered, as mentioned in reply to question 1; a memorandum of satisfaction is entered at the office of registry when they are paid off.

THOS. W. FOX,
Consul.

UNITED STATES CONSULATE,
Plymouth, May 31, 1889.

SHEFFIELD.

REPORT BY CONSUL FOLSOM.

RECORDED INDEBTEDNESS.

Within so much of the consular district of Sheffield as is embraced in the county of York a system of recording mortgages on real estate exists. Such recording is not compulsory, and the register often fails to show whether the instrument recorded is a mortgage, a reconveyance, a transfer, or a settlement. The names of the parties and a description of the property affected are about all that are given to show that an encumbrance rests upon the property. The mortgage is not accompanied by any bond, and in its ordinary form contains a condition for reconveyance on payment of the money intended to be secured on a day named, which is usually six months from the date of the instrument. The mortgageor covenants for the payment of the principal and interest on the appointed day, and, if the principal is not paid on that day, for the future payment of interest half-yearly. The following is the ordinary form of mortgage in fee of freeholds:

This indenture made the 1st day of July, 1889, between A. B., of Sheffield, of the one part, and C. D., of Rotherham, of the other part, witnesseth: That in consideration of the sum of £100 paid to the said A. B. by the said C. D. (the receipt whereof the said A. B. hereby acknowledges) the said A. B. hereby covenants with the said C. D. to pay to him on the 1st day of January next the sum of £100, with interest thereon in the meantime after the rate of 4 per cent. per annum, computed from the date of these presents, and also so long after that day as any principal money remains due under this mortgage to pay to him interest thereon after the same rate by equal half-yearly payments on the 1st day of January and the 1st day of July. And this indenture also witnesseth, that for the consideration aforesaid the said A. B., as beneficial owner, hereby conveys unto the said C. D. all [here follows a description of the property] to hold the same unto and to the use of the said C. D. in fee simple; provided always that if the said sum of £100, with interest thereon, shall be paid on the said first day of January next, according to the foregoing covenant in that behalf, the said premises shall, at the request and cost of the said A. B., his heirs or assigns, be reconveyed to him or them. And the said A. B. hereby covenants with the said C. D. that he, the said A. B., his heirs or assigns, will at all times during the continuance of this security keep the messuage and buildings comprised in this security insured against loss or damage by fire in the sum of £100 at least in the ——— insurance office, or in some other insurance office approved by the said C. D., his executors, administrators, or assigns, and will produce to him or them on demand the policy of such insurance and the receipt for every premium payable in respect thereof.

In witness whereof, the said parties to these presents have hereunto set their hands and seals the day and year first hereinbefore written.

Chattel mortgages, as such, are not known in this district. Such encumbrance is effected by bill of sale in statutory form, which must be registered at the bills of sale office in London. The loan must not be for less than £30 (\$145.99), and the instrument must contain a full description of the property pledged and the amount of the debt.

Judgments are obtained in the local courts both by decree and confession, and may be registered in the district registry at Wakefield.

On the whole, however, it may be safely stated that in England there does not exist any such simple and complete system of recording deeds, mortgages, judgments, and liens as prevails in the United States.

UNRECORDED INDEBTEDNESS.

It is not possible, with the means at my command, to arrive at a probable proportion of existing recorded and unrecorded indebtedness in this district.

RATIO OF MORTGAGES TO TOTAL VALUATION.

It is impossible to form any estimate as to the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages need not be recorded. The counties of York and Middlesex are the only ones in England in which a mortgage may be recorded—only in so far as they necessitate a reconveyance or canceling, which is merely a matter of increased expense on the part of the mortgageor.

INCREASE OR DECREASE OF MORTGAGES.

As the values of real property have for some time been diminishing in this district, it is safe to assume that the recorded indebtedness is increasing in proportion to estimated values.

LIENS.

Liens may be placed on personal property in the form of bills of sale, as heretofore mentioned, including crops, and also by preference. Judgment may be obtained by default or confession, and execution follows as after an action. The wearing apparel, bedding, and implements of trade, not exceeding in value £5 (\$24.33), of a judgment debtor are exempt from execution.

FORECLOSURES.

In most cases foreclosures are effected by a sale under power. The expenses of foreclosure vary with the value of the property sold, but a sale under power costs but little more than an ordinary sale of real estate in addition to the expenses of advertising. It is hardly possible to give any general estimate, but it may be remarked that the expenses attendant upon the transfers of real estate are much greater here than in the United States.

CANCELLATIONS.

The ordinary form in the case of mortgaged real estate is by a deed re-conveying the premises to the mortgageor. In the case of bills of sale the document is returned to the maker and an entry of satisfaction is made in the London office.

INTEREST.

The prevailing rate of interest on mortgage paper and judgments is 4 per cent.

PARTIAL PAYMENTS.

No special provisions are made by law for partial payments on mortgages, but in case of judgments an order is sometimes made by the court directing the payment to be made by installments. Such partial payments are not recorded, and the debtor does not lose the benefit of the payments he has made, except in the case of chattels obtained on the "hire purchase system."

BENJAMIN FOLSOM,
Consul.

UNITED STATES CONSULATE,
Sheffield, July 20, 1889.

 FAILURES IN ENGLAND AND WALES.

[Transmitted by Consul Folsom, August 13, 1889.]

In the week ending August 10, 1889, there were 136 bills of sale registered in England and Wales, a decrease of 51 as compared with the corresponding period last year. The receiving orders gazetted number 63, showing a decrease of 10, and the number of registered deeds of arrangement was 65, a decrease of 1. In Ireland there were 70 judgments registered, an increase of 2; bills of sale, 4, showing a decrease of 6; bankruptcies gazetted were 2, and the registered deeds of arrangement none, a decrease of 2. The Scotch returns show that we have published 26 recorded protests, an increase of 2, and 25 failures, being an increase of 1.

The totals for the portion of the year to August 10 are bills of sale registered for England and Wales, 5,980, a decrease of 1,547; the receiving orders gazetted number 2,894, a decrease of 137, and the registered deeds of arrangement 2,243, an increase of 154. In Ireland the totals are: Judgments, 1,841, a decrease of 880; the bills of sale, 316, a decrease of 48; and the bankruptcies gazetted number 105, a decrease of 27; and the registered deeds of arrangement 56, a decrease of 6. In Scotland the totals are: Recorded protests gazetted, 645, a decrease of 257; and the failures, 916, a decrease of 148.

According to Stubbs' Weekly Gazette the number of failures in England and Wales gazetted during the week ending August 10 was 128. The number in the corresponding week of last year was 139, showing a decrease of 11. The failures were distributed amongst the following trades, and for comparison we give the number in each in the corresponding weeks of 1888 and 1887:

Trades.	1889.	1888.	1887.
Builders, building materials.....	10	23	12
Chemists and dry-salters.....	2	1	2
China, glass, earthenware.....	2	3	1
Confectionery, toys, fancy goods.....	3	1	2
Corn, coals, minerals.....	6	6	10
Drapery, clothing textures.....	15	18	14
Farmers.....	4	4	8
Furniture, upholstery.....	2	1	1
Horses, vehicles.....	1	2	3
Jewelry, watches.....	2	2	.....
Leather.....	7	10	7
Metals.....	4	10	7
Paper, printing, etc.....	2	4	.....
Provisions.....	26	21	19
Wines, spirits, beer, tobaccos.....	12	14	9
Miscellaneous.....	30	19	15
Total.....	128	139	110

The number of bills of sale in England and Wales registered at the queen's bench for the week ending August 10 was 136. The number in the corresponding week of last year was 187, and the corresponding weeks for the three previous years 203, 209, and 171.

TUNSTALL.

REPORT BY CONSUL SCHOENHOF.

RECORDED INDEBTEDNESS.

A mortgage on real property is not recorded. Indebtedness on real property is writ of elegit, which, after judgment has been obtained in the high court of justice, can issue out of such court, and is addressed to the sheriff of the county in which the property of the judgment debtor is situate, who, by virtue of it, gives to the judgment creditor the lands and tenements of the judgment debtor, to be occupied and enjoyed or the rents and profits received until the money due on such judgment is fully paid. During the time he so holds them he is called tenant by elegit.

The only systems of recorded indebtedness on chattel or personal property are by bill of sale and judgment in the high court and inferior courts. A bill of sale assigns the property to secure a stated amount, which must be £30 or over. Bills of sale have to be filed within seven days after execution in the queen's bench division of the high court of justice, and unless that is done they are void. In order to give greater publicity to bills of sale, particulars of them are now registered in the county court district in which the grantor resides.

Judgments in the high court of justice or inferior courts may be either decreed or confessed, and these are the only modes.

Liens are neither decreed or confessed in any court, but may be defined to be a right in one man to retain that which is in his possession belonging to another until certain demands of the person in possession are satisfied.

It can not be estimated what ratio judgments bear to total valuation of taxable and assessed property. Speaking roughly, mortgages of real property may be said to bear a ratio of three-fourths to the total valuation of taxable and assessed real property. The question can not be answered definitely, as no regular records of mortgages are kept. Mortgages of real property are recorded in what may be called a court of record, but by act of Parliament all deeds and wills, concerning estates within the North, East, and West Ridings of Yorkshire, or within the town and county of Kingston-upon-Hull, or within the county of Middlesex or the Bedford Levels, are directed to be registered. All mortgages of copy-hold property have to be filed with the steward of the manor in which the property is situate, but they can not be said to be on record. All mortgages of personal property (termed bills of sale) have to be filed in the queen's bench division of the high court of justice seven days after execution, and are open to inspection on payment of a small fee.

Mortgages can not be said to complicate or embarrass the transfer of land titles, but in some cases can be said to facilitate the transfer. It might happen in some cases that a defect in the title arose after the date of the mortgage, but by getting the mortgagee to sell under his power of sale the defect would be avoided, as the mortgage has precedence of the defect. Also in case of a defective power of sale under a will the mortgagee could sell if required under his power in the deed.

LIENS.

From the question it appears that it is supposed that liens in this country are in some way connected with a judgment in a court. This is not so. They may be defined as stated above. A lien is either particular as a right to retain something for some charge or claim arising out of, or connected with, the identical thing, or general as a right to retain a thing not only for such charges and claims, but also for a general balance of accounts between the parties in respect to other dealings of the like nature.

Personal property is liable to be taken in execution, with the following principal exceptions, viz: The goods or chattels of ambassadors and other public ministers of foreign princes or states at this court, and of their domestics or domestic servants; the goods of ecclesiastical clergymen, goods distrained (as for rent) being in the custody of the law; goods let or pawned are subject to execution only so far as the debtor's interest is concerned; goods subject to a lien; goods over which the debtor has given a bill of sale, unless the bill of sale be first repaid; goods of a lodger; goods not belonging to the judgment debtor, but on his premises; goods bought bona fide without notice of the execution; goods belonging to the debtor's wife or vested in trustees for her benefit (goods in the possession of a person as trustee can not be taken for his private debt); wearing apparel and bedding of the judgment debtor or his family, and the implements of his trade to the value of £5; fixtures which are fixed to the freehold and go to the heir.

Growing crops can be taken in execution if they are such as would pass at common law to the executors of the execution debtor as emblements. Emblements are the growing vegetable crops which are the periodical result of agricultural labor. The sale of the produce of any lands let to farm is regulated and to some extent prohibited by George III, chapter 50.

INTEREST.

The prevailing rate of interest on mortgages of real and personal property varies in a great degree. Large sums of money are lent at as low a rate as $3\frac{1}{2}$ per cent. per annum when the security is ample, but on other occasions, when the security is not first-class, interest is paid as high as 10 per cent., and in some cases higher still. For sums between £100 and £5,000 the prevailing rate varies between 4 and 5 per cent. per annum. Judgments in the high courts and some of the inferior courts bear interest at the rate of 5 per cent. per annum, unless it has been expressly or impliedly agreed that a different rate should be paid.

FORECLOSURES.

Mortgages are foreclosed either by action at law or by sale under power, the latter being the usual mode. Expenses of a sale by auction vary according to the value of the property. A mortgagee's solicitor's costs when selling under a power of sale have been fixed by the solicitors' remuneration act. The scale is optional; if the mortgagee's or vendor's solicitor gives notice to his clients that he prefers to be remunerated according to the system that was in force prior to the passing of the act, then he is entitled to be paid under what is called the old system, and the expense would vary in every case in accordance with the amount of work done. The costs of a foreclosure action can not very well be estimated, but if undefended would probably amount to £30 at least.

PARTIAL PAYMENTS.

As a general rule, mortgages, unless made to a building society, can not be repaid by installments; judgments may be, either forthwith, in so many days, or so much a month. The debtor gets the benefit of all partial payments he may make, and would not lose the benefit of them if he made default in part. Partial payments made in a court are recorded.

CANCELLATIONS.

The ordinary form of canceling a mortgage of real property is by a reconveyance, by deed, unless to a building society, when a simple receipt signed by the trustees or under the seal of the society and witnessed is enough. A second mortgage of real property, or what is called a mortgage of the equity of redemption, is canceled by a simple receipt being indorsed on the deed creating the mortgage. A mortgage of chattel or personal property, generally described as a bill of sale, is usually canceled by a simple receipt being

indorsed on the deed creating the security, but the mortgageor may for his greater protection have satisfaction of the bill of sale filed in the queen's bench division of the high court of justice.

J. SCHOENHOF,
Consul.

UNITED STATES CONSULATE,
Tunstall, June 29, 1889.

YORKSHIRE.

REPORT BY CONSUL WIGFALL, OF LEEDS.

EXPLANATORY.

The following replies to the Department circular are made for, and apply to, the three ridings of Yorkshire only.

A similar system with regard to freehold lands obtains in Middlesex, but it is peculiar to that county and to Yorkshire.

Other legislation, general in its scope and looking to a registered holding of lands, has remained practically a dead letter, and, with an inconsiderable local exception, Yorkshire and Middlesex are the only counties in England in which registry for freeholds has been brought to actual and living proof.

The question, however, still remains open, and is the subject of Parliamentary discussion. The indications seem to be that important and sweeping action by statutory enactment will be the eventual outcome.

RECORDED INDEBTEDNESS.

Judgments, whether by confession or otherwise, together with mortgages and liens of any description, any of which affect lands situated in the county of York, are competent to be registered, as to the locality of such lands, at the respective registrars' offices at Northallerton, Beverly, and Wakefield, in the county of York, under the limitations and upon the conditions set forth in the Yorkshire registries act (1884), amended by the Yorkshire registries amendment act (1885), and the rules made thereunder by the justices of the peace (the county authority) for the respective ridings, and known respectively as to the North, East, and West Ridings of Yorkshire registry rules (1885).

Mortgages on chattel property, or, as termed in the act regulating such encumbrance, "personal chattels," may be created by bill of sale under the bills of sale act (1878), amendment act (1882)—45 and 46 Vict., chapter 43—which includes in its purview such documents only as are given by way of security for the payment of money. These, according to the terms of the act of 1882, must be attested by a witness who is not a party; they must be registered in the court of queen's bench, at London, within seven clear days after execution (with allowance of time for postal transit if done beyond the limits of England); the consideration must be truly set forth; they must comply with the form exhibited in the schedule to the act; and the consideration

must be of a value not less than £30 (\$146), otherwise such a bill will be void, even against the grantor.

Where residence of maker of the bill of sale is outside the London bankruptcy district, or the chattels are situated outside of that district, an abstract of the contents of the bill is to be transmitted by the registrar, who is an officer of the court of queen's bench, to the county court registrar for the district of residence or situation, who is to file said abstract and allow searches to be made. (See rules of the supreme court, bills of sale acts (1878 and 1882) hereto annexed.)*

Speaking generally, other liens of record on personal chattels and judgments involving personal chattels only would be recorded in the courts by whose decree or through whose operation such encumbrances accrued, and thence transferred as regards the superior courts to the central office of the supreme court of judicature at London. Judgment thus registered at the central office serves as a legal notice for five years, but may be re-registered by the person interested for successive terms of five years.

It may be added that bills of sale as security for money are said, in times past, to have been much abused by money-lenders, and as a consequence to have been so surrounded by legal restrictions as to minimize their value as a security and to render them unpopular as a means of investment.

There are certain limitations as to the application of the bills of sale act (1878), amendment act (1882), regarding rates, taxes, and debentures of incorporated companies, for which, as well as for other definitions and qualifications, see copies of the principal act (1878), of the amending act (1882), and of the rules of the supreme court made under the said acts attached hereto.

The Yorkshire registries acts do not extend to copy-hold lands, which are lands held by copy of the court roll of the manor within the limits of which such lands lie. Mortgage of copy-hold lands is effected by a conditional surrender, which is entered upon the records of the manor court, and which is discharged by corresponding entry of satisfaction. It may be noted in this connection that the proportion of lands held by copy-hold in this district, as compared to those held by freehold, is so small as to be inconsiderable in an inquiry with reference to quantities or values which is of so general a character as the present one.

In the county of York the registration acts do not extend to copy-holds, nor to leases not exceeding twenty-one years, nor to any assignment thereof if accompanied by actual possession from time of making such assignment. Otherwise, it is provided that all mortgages or other assurances of land (including wills), which deal with lands situated within the county of York, may be registered as provided and set forth under the act. Lands pertaining to Crown revenues, etc., are not included, as is also the case with company shares, such as require registration with the company.

Under the act priority of registration of assurances makes priority of interest, and priority of testator's death gives priority to will if registered

* The inclosures referred to throughout Consul Wigfall's report will be found in the appendix.

within six months thereafter, otherwise will rank by priority of registration. All priorities under this act have full effect in all courts except for actual fraud. (See Yorkshire registries act (1884), Yorkshire registries amendment act (1885), and the rules made under the first-named act for further details. The acts and rules referred to are annexed hereto.) It may be noted here that it is not necessary, in registering a deed by memorial, to disclose the nature of the deed or the value involved in the transaction. Registration, moreover, is not compulsory, and the encumbrancer who chooses to assume the risk may do so.

Previous to the Yorkshire registries act of 1884 registration of a mortgage was not equivalent to notice to parties in interest. By section 15 of that act registration was made equivalent to actual notice. The bankers complained that this would interfere with their business of lending on security of deposit of deeds, and Parliament was induced to repeal the obnoxious section.

Priority of registration under the act and the amending act is accordingly held now to apply only as between actually registered assurances in every case where actual notice of a prior unregistered assurance has been given, and the holder of such unregistered assurance, having given notice to the holder of the registered assurance previous to the execution and registration of the latter, will have priority by virtue of such notice having been given.

It may be mentioned that there has been no decision of the courts on this point since the registries acts, but the practice is, as above indicated, to treat actual notice of any lien or security as equivalent to registration.

RATIO OF MORTGAGES TO TOTAL VALUATION.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property can not be answered categorically. There is no source available for inquiry from which even an approximately correct reply might be anticipated.

As an outcome of the serious deterioration of value which has taken place with reference to nearly every kind of real property within, say, the fifteen years last past, the proportion of originally existing encumbrances to the new and reduced values will, of course (*ceteris paribus*), show an increase against the property, in addition to which the wide-spread diminution of incomes derived from the land which has occurred within the period named would tend in the same direction through the temptation presented to the land-owner to pledge his interest in his land for the relief of emergent necessities. Both these causes have, no doubt, been in operation. How far, in a purely arithmetical way, they may have been counterbalanced through the clearing off of original encumbrances by means of foreclosure or of sale consequent upon such declining values it would be hard to say. It is probable, however, that this cause would scarcely be far reaching enough to neutralize the increase arising from the others mentioned, and consequently of the alternatives it may be considered that an increased ratio probably exists to-day compared with that of fifteen years ago.

Regarding the actual ratio at the moment, as stated above, any estimate attainable would be more or less guess-work.

It may be added that the causes referred to in the comparison instituted between the present and a period of fifteen years since have now ceased to act by reason of the improvement in trade which set in about 1886, and which is alluded to in answer to question number 8.

As concerns the usual mortgageable value of property, it may be stated that trustees are by law forbidden to advance more than two-thirds the value of the property under penalty of personal liability for the loss, should any such occur, outside the limit named; nor do private lenders (not trustees) often go beyond this limit. Building societies lend up to three-fourths, but they are warranted in assuming a greater risk by reason of their repayments beginning to be made at once through the monthly installments, whose operation thus works reduction of the debt almost from the moment of its being contracted, and correspondingly strengthens the security by mere lapse of time.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages do not necessarily complicate or embarrass the transfer of land titles where all the dealings are in good faith, beyond the mere multiplication of words and documents. The transfer and retransfer of estate, however, which are involved in a deed of mortgage, and the equitable lien created by deposit of title-deeds, may reasonably be expected to open the door to trouble, in view of the great difficulty found in all human transactions of avoiding mistakes and securing honesty of purpose. Reference here, of course, is made to simple mortgages, in which no diversion of interest upon reconveyance is intended.

INCREASE OR DECREASE OF MORTGAGES.

Presumably, recorded indebtedness at the present moment bears the same proportion as usual to the total amount which would be subject to record; but in view of the fact that in the matter of real mortgages of freeholds recording is not compulsory, and the further fact that when made such record is not required to disclose value, and, indeed, may not specify that the instrument itself is a mortgage at all, it would be quite out of possibility to answer this question literally and at the same time accurately. As to registered bills of sale by way of mortgage on personal chattels see below (Messrs. Stubbs & Co.'s letter). The marked improvement in trade, which has been gaining strength for several years, and which is now in full tide, would negative any presumption of presently increasing embarrassment on the part of traders; while the condition of agriculturists is no worse at the instant than for some time previous, with the current prospect of a fair harvest of most kinds of produce. In the absence, therefore, of the element of decreased resources, accompanied by normal demand for consumption, there would seem a primary probability that the requirements which usually lead to pledging

of securities are less likely to exist; while, on the other hand, a wide-spread and heedless extravagance, arising, as it sometimes does, from exuberance of supply and inducing reckless involvement, is as yet not attained to. So that, reasoning from very broad generalities, it may be considered likely, as compared with, say, three or four years ago, that the recorded or recordable indebtedness of this district is rather diminishing than increasing, if any change of the kind is taking place at all.

Certain statistics kindly put at my disposal by Messrs. Stubbs & Co., of No. 42 Gresham street, London, show conditions corroborative of this view. A copy of this letter is annexed.

STUBBS' MERCANTILE OFFICES, 42 GRESHAM STREET,
London, E. C., July 24, 1889.

F. H. WIGFALL, esq.,
United States Consulate, Leeds.

DEAR SIR: We duly received your letter of the 15th instant.

We understand that you only want us to supply you with information with regard to bill of sale mortgages in Yorkshire according to the tabulated form sketched out in your letter. On the other side we send you the information in question. This return contains particulars of bills of sale published in our gazette within the periods named. We have not examined every bill to see whether it was filed within the prescribed dates. You will observe that by giving those published in our gazette between the two dates, and adhering strictly to that, you have practically the same information as if we had examined every document itself.

We are, your obedient servants,

(Signed) STUBBS & CO.

Bill of sale mortgages, Yorkshire.

From—	No.	Amount.
		£ s. d.
July 1, 1884, to June 30, 1885.....	529	96,465 17 8
July 1, 1885, to June 30, 1886.....	607	89,475 7 5
July 1, 1886, to June 30, 1887.....	538	69,473 5 7
July 1, 1887, to June 30, 1888.....	493	74,435 13 8
July 1, 1888, to June 30, 1889.....	404	46,304 19 11
Total.....	2,633	376,155 4 3

UNRECORDED INDEBTEDNESS.

Taking unrecorded indebtedness to signify such indebtedness only as shall have been so formulated as to be capable of record if so desired by the party in interest, a large number of transactions wherein the acknowledgment of indebtedness is involved would be excluded from consideration by reason of informality or other limitation in the eye of the law, as, for example, bills of sale, if such were given, by way of mortgage for sums under the value of £30 (\$146), which are by law absolutely void, or the deposit of title-deeds with bankers on equitable mortgage without written memorandum thereof in due form, or pledges of personal property by actual deposit, as with pawn-brokers, or hypothecation of stocks, bonds, etc., to secure advances.

Furthermore, the question does not touch the floating indebtedness of the community at large for current dealings upon open accounts.

Even with these qualifications, however, any statement of proportion such as is suggested would be little more than surmise. The probability indicated in this district would appear to be that the great bulk of indebtedness which is in such shape as to be capable of legal registration is, as a matter of fact, so registered, and that the exceptions to this condition are comparatively unimportant.

LIENS.

Liens may be placed on personal property, including crops, either by preference or by confession of judgment, and such property is subject to execution of judgment.

As regards exemptions from execution, beyond certain very narrow limits there are none provided. Wearing apparel of the debtor and his family, bedding, and tools of trade, to the extent of £5 (\$24.33) value in all, are privileged from seizure.

The landlord of a yearly tenant is entitled to one year's rent from the tenant's goods in execution, said rent having become due previous to the date of execution. Straw and some other materials in the nature of fertilizers, or which are intended for maintaining the productive capacity of a farm, are exempted from removal in any case under execution; and, in event of special covenant or general custom of the country, certain other articles, as hay, etc., necessary for carrying on farming operations, are not permitted to be taken away from the land by the sheriff upon levying the execution. They may be sold, however, for use upon the land, according to the obligation of the tenant.

Where bill of sale by way of mortgage is given for stock or produce upon any farm or lands which, by covenant or agreement or by custom of the country, ought not to be removed from any farm where the same are at the time of making or giving such bill of sale, then such stock or produce would not be liable to be taken possession of, not being "personal chattels" under the terms of the bills of sale acts. (See copies thereof annexed to this report—41 and 42 Vict., chapter 31, and 45 and 46 Vict., chapter 43.)

As to liens recordable by preference, a lien on personal chattels by preference would arise from a conditional bill of sale given, which entitles the grantee to take possession, on performance or non-performance of some condition, of personal chattels. This term includes growing crops if, or when, the latter are separately assigned otherwise than together with any interest in the land on which they grow, and with the exception above mentioned.

As to liens recordable by confession of judgment, upon judgment obtained, whether by confession or otherwise, goods and chattels are bound, as between the parties, not from the date of the judgment, but from the date of the *teste* of the writ of execution thereon; and as against purchasers (generally speaking) they are bound only from the time of actual seizure under the execution in case of bona fide purchase and for valuable consideration, unless notice of the existence of such writ or other writ by which such goods might be seized or attached and delivery thereof to the sheriff or other for execution had been received by such purchaser before acquiring his title.

For the exact definition of "personal chattels" under bills of sale act (1878) amendment act (1882) see that act and the act of 1878, to which it is an amendment, both hereto attached.

On judgment entered up in one of the superior courts at London the judge, if applied to, may order the debtor's property in Government or other public stock, corporate or other, and whether in debtor's own name or that of a trustee for him, to stand charged with the payment of the judgment amount with interest, six months' grace from the date of the order being allowed.

INTEREST.

The rate of interest on judgments is 4 per cent. On mortgages any rate whatever may be fixed by the special covenant to pay interest contained in the deed. Such covenant being absent, interest is recoverable only upon calling in the principal and by way of damages from day of default in payment thereof. This assessed rate by way of damages has been held to be properly set at the figure agreed upon, if any such, between the parties, provided it does not exceed 5 per cent., in which last named event 5 per cent. would be taken as the limit on the ground of its being a fair commercial rate. Special covenant, however, as already stated, will carry its own rate, though the court will intervene in a case of flagrant and outrageous abuse of a money-lender's power. The agreement, if any such, between the parties, which is referred to above as being qualified in its bearing upon the assessment of interest by way of damages through the 5 per cent. limit, is only to be reckoned with in the absence of a special covenant, and operates merely collaterally and evidentially as indicating intention, though without positive stipulation. As a matter of actual practice at the current moment, and on the best class of securities, 4 per cent. would probably be the outside limit of interest obtainable on mortgage.

FORECLOSURES.

Foreclosure of a mortgage is always through the medium of an action brought in the chancery division high court of justice, or, if the value of the estate is under £500 (\$2,433.25), action may be brought in the equity side of the county court. The remedies to a mortgagee for recovery of his debt are as follows: He may foreclose the equity of redemption; he may obtain judgment for sale through court; he may sell under power of sale in his deed, if any; he may sell under that conferred by statute; he may sue at law for payment of principal and interest; he may enter on possession and pay himself from the rents.

A mortgagee, whether legal or equitable, may commence action for foreclosure at any time after the day named for payment in the deed or memorandum. Thereupon the court will decree account and name time at end of which, in default of payment, mortgage will be foreclosed. After absolute decree of foreclosure mortgagee becomes absolute owner at law and in equity. Upon action brought for foreclosure subsequent mortgagee may tender prin-

principal and interest to prior mortgagee and take his place, or, in last recourse, he may pursue remedy set forth below. Conveyancing act (1881), section 25, empowers court in any action relative to payment of mortgage debt, and on request of any person in interest (no matter whether others dissent or fail to appear or not), to order sale on such terms as the court thinks fit. This applies to equitable as well as to legal mortgages, and may be exercised at any time before foreclosure. Sale may be ordered on behalf of subsequent mortgagee, prior ones not consenting, and conduct of sale given to him, fixing reserved price to cover all encumbrances. By conveyancing act (1881) mortgagee by deed may sell whole or part when money is due, subject to the conditions of the act (sections 19 to 22, inclusive). Copies of conveyancing act (1881), of conveyancing act (1882), and of the rules of the supreme court under those acts are annexed to this report. To realize a mortgage debt of, say, £1,000 (\$4,866.50) by sale at auction under ordinary average circumstances would cost, including advertisement, auctioneer's charges, and solicitor's charges and solicitor's fees in connection with transfer, perhaps something like 3 to 3½ per cent. on the amount recovered. A larger amount would show a smaller percentage of cost, other things being equal. The property answers to the mortgagee for his costs in realizing. As some indication of the scale of advance it may be noted here that the solicitor's fees range from £15 on £1,000 to £45 on £5,000, £70 on £10,000, and £295 on £100,000 pounds; or, stated in federal currency, from \$73 on \$4,886.50 to \$218.99 on \$24,332.50, \$340.66 on \$48,665, and \$1,435.62 on \$486,650.

In event of foreclosure, where the mortgagee takes over the property itself in satisfaction of the debt, the cost would depend largely upon the greater or less complication of the case. Without opposition, and under exceptionally favorable circumstances, the foreclosure of a mortgage, as I am advised, might perhaps be effected at a cost of something like £50 or £60 (\$243.33 or \$291.99), but otherwise this amount might be liable to be much exceeded.

PARTIAL PAYMENTS.

The usual form of mortgage calls for payment in one sum. If, however, for example, as in case of suit on covenant, the mortgagee recovers only part of the debt, the balance would remain accountable under foreclosure. There is no provision for recording partial payments upon mortgages, but a debtor would be allowed full benefit of all payments made on account upon a debt secured by mortgage, as upon any ordinary obligation. In case of a judgment carried to execution in the county court, which has jurisdiction primarily up to £50 (\$243.33), or by consent of superior court to £100 (\$486.65), or by consent of parties to any amount, the debtor may be summoned to pay by installments or otherwise. The superior courts do not allow installments. A bill of sale by way of mortgage may be made subject to repayment by installments. Default in such repayment incurs as a penalty seizure and sale of the goods, but no forfeiture of previous payments.

By the hire and purchase system for goods under an ordinary agreement the vendor may have power to retake the goods upon default in payment of any stipulated installment. This system is comparatively modern, and applies in practice chiefly to household furniture, though machinery and other articles are also dealt with. So that, speaking generally, it may be said that there is no system provided for the record of partial payments on mortgages, obligations, or judgments, and that default, except in case of agreement to that effect, does not forfeit payments already made. It may be mentioned that, as a matter of prudence, in case of partial payment on a security the solicitor would indorse upon the security itself a memorandum of the amount paid.

CANCELLATIONS.

Under the registry rules for the various ridings of Yorkshire, "where any documents may have been enrolled in the register, having reference to the creation or assignment of any mortgage, lien, or charge, affecting any lands within the riding, and such mortgage, lien, or charge is thereafter satisfied or discharged," any person in interest may present affidavit of discharge for enrollment. Such affidavit is to be in the form set out in the schedule to the rules (which see), and to contain the particulars called for by the rules, and to be enrolled thereunder. Discharge of a first mortgage of real estate (freehold) is in practice effected by a deed of reconveyance, which is registered like the original mortgage. In case of a sale by the mortgageor the mortgagee, as a rule, concurs in the deed of conveyance in order to evidence receipt of principal and interest and release of the mortgaged estate, and also to convey the legal estate direct to the purchaser. For a bill of sale by way of mortgage which has been satisfied consent by grantee to an order to enter satisfaction may be signed and the memorandum of satisfaction be accordingly written upon the copy of the bill, which has been filed in the queen's bench division, high court of justice, whereupon, if an abstract of such bill shall have been sent to any registrar of a county court for local registration, then, also, a notice of such satisfaction shall in like manner be sent to such county court registrar. In the case of satisfaction of a judgment, voluntarily or otherwise, satisfaction ought to be entered on record; as to place of record, following that of the judgment itself. Mortgage on copy-hold land is discharged by entry of satisfaction on the record of the manor court.

F. H. WIGFALL,
Consul.

UNITED STATES CONSULATE,
Leeds, September 2, 1889.

YORKSHIRE.

REPORT BY CONSUL GRINNELL, OF BRADFORD,

I have the honor to inclose a report in answer to circular of May 10, 1889, on recorded indebtedness. This report was prepared, at my request, by Messrs. Last & Betts, solicitors, 48 Tunbridge Road, Bradford, an important part of whose business consists in dealing with real property.

WILLIAM F. GRINNELL,

Consul.

UNITED STATES CONSULATE,

Bradford, July 18, 1889.

MESSRS. LAST & BETTS TO CONSUL GRINNELL.

48 TUNBRIDGE ROAD,

Bradford, Yorks., July 17, 1889.

DEAR SIR: In accordance with your request we now have pleasure in handing you our report on the questions formulated by the committee on the credit system in the United States and laid before us.

We have made the report rather exhaustive, and have used care to insure accuracy as far as possible, and, as our acquaintance with that branch of the law sought to be inquired into by the above questions has been a fairly general and extensive one during several years now past, we have confidence in subscribing our names to such report.

We have the honor to remain, dear sir, your obedient servants,

LAST & BETTS.

To WM. F. GRINNELL,

United States Consul, Bradford.

RECORDED INDEBTEDNESS.

All deeds, whether conveyances, mortgages, charges, or settlements (also wills and orders and decrees of the high court of justice), that affect or relate to real property (houses and lands) in the county of York have to be registered at deeds registries centrally situated in the North, East, and West Ridings; that for the West Riding of the county, which includes Bradford and district, is situate at Wakefield. As a rule only the date, names, and additions of the parties and a description of the property affected by the deed or document registered is notified on the register, although provision is made for registering deeds at full length, but not being compulsory is not very frequently resorted to. Unless the deeds are registered at full length, there is nothing whatever on the register to indicate the nature of the deed registered, whether conveyance, mortgage, or settlement; consequently, even in the case of a mortgage, no person is able to ascertain from the register whether it is a mortgage, or the amount or terms of the loan. Any person, on payment of 1 shilling, is permitted to search at the registry office and bespeak copies or extracts (but not to take same), for which he must pay according to length.

Prior to the year 1882 bankers and others were allowed to take deposits of title-deeds, with a memorandum of deposit by way of equitable mortgage as security for advances without being required to register their charge, but since 1882 such equitable mortgages are now required to be registered under penalty of being postponed to a subsequent encumbrancer who first registers his security. The register is not designed to afford information respecting the documents registered, but simply to put parties dealing with real property on inquiry as to the contents of documents of which they find notice on the register.

Nos. 110 and 111—12.

LIENS.

Bills of sale or assignments of chattels such as furniture, stock, goods, and other movables throughout England and Wales by way of mortgage, or as a security for money under the bills of sale act (1882), as well as under previous acts, are required to be registered at the bills of sale office situate at the high court of justice, London, by a true copy thereof with an affidavit of due execution being filed within seven days of the date thereof, otherwise they are invalid and void as against execution creditors. A short minute of the date, parties, and other particulars of every bill of sale so filed is required by the bills of sale act to be forthwith transmitted by the officials of the head office in London to the registrar of the county court in the county having jurisdiction in the district where the giver or maker of such bill of sale resides, and in this way a short record of all bills of sale on personal chattels or movables given in this district is filed at the county court at Bradford. Any person, on payment of 1 shilling, is entitled to search either at the bills of sale office at London or at the local county court, and inspect any copy bill of sale filed at the office in London, or the short particulars thereof filed in the county court.

FORECLOSURES.

Judgments of the high court of justice or of any district registry thereof must be registered at the judgments office, London, if it is desired to render same a charge or binding on real property (but not otherwise), but that of itself is insufficient for the purpose, for a writ of execution issued in pursuance of such judgment must also in like manner be registered in case the party affected by the judgment (the judgment debtor) has real property in the West Riding of Yorkshire (including Bradford and district); such judgment and writ of execution must also be registered at Wakefield, otherwise purchasers or mortgagees are at liberty to deal with the real property of the judgment debtor without having regard to such judgment.

Particulars of the judgments of the various county courts throughout the country for £10 and upwards, unless paid or satisfied within fourteen days from the date of the judgment, are required to be periodically forwarded by the registrars of the local courts to the proper officer in London. The particulars of such latter judgments are unofficially extracted from the register in London by enterprising people styling themselves "trade protection societies," and are published throughout the country weekly in their quasi "private and confidential periodicals" known as trade gazettes, no doubt not infrequently to the prejudice of the unfortunate debtors thus privately (?) advertised, but possibly with considerable advantage to traders. Judgment debtors in actions in the high court are not subject to the same petty annoyance and disadvantage, as such judgments, unless specially registered with a view to charge real estate, as before mentioned, are not in like manner available to the inquisitorial so-called trade protection societies.

RATIO OF MORTGAGES TO TOTAL VALUATION.

As to the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property, it is not usual to lend upon mortgage more than two-thirds of the value of the property or thereabouts. As regards judgments, no ratio or proportion can be laid down for that, as creditors, of course, take judgments for what they are worth upon all the property of the debtor which they can get hold of.

MORTGAGE COMPLICATION OF LAND TITLES.

Mortgages do not complicate to any serious extent the transfer of land titles.

INCREASE OR DECREASE OF MORTGAGES.

It is difficult to say whether recorded indebtedness is increasing or diminishing in proportion to estimated values. When trade is brisk and the value of property rises the proportion of money advanced upon security of such property rises accordingly.

As before stated, there is no means whatever in England of ascertaining the amount of money owing on or secured by mortgage of real property in the country. The officials of the

high court of justice annually prepare a return of the number of judgments signed for over and under £50, without giving any information whatever as to the amounts of each or of the aggregate judgments. And the county courts also prepare an annual return of all judgments signed for over and under £20, but this information is for departmental purposes only. This and the registration of bills of sale on personal chattels before referred to, which specifically state the amount of money advanced, are the only kinds of recorded indebtedness that are known, but there are no means of ascertaining the aggregate of such indebtedness. There are, however, certain public companies which are compelled by acts of Parliament to furnish balance-sheets yearly to be laid before the board of trade.

LIENS.

Bills of sale are given upon personal property, such as furniture, etc., but not as a rule upon crops, stock in trade, or other articles of a fluctuating and changing nature; all personal property, however, including crops when severed from the land, are subject to execution in actions. There is, however, an exemption from execution in the case of a debtor's tools of trade, clothing, etc., up to a nominal value.

INTEREST.

On good security money lent on mortgage does not produce much over 4 per cent.; if the security is somewhat less favorable or a larger proportion than two-thirds of its value is lent upon it, the interest will run up to as much as 5 per cent. Judgments in the superior court carry interest at the rate of 4 per cent. Judgments in the county court, however, carry no interest.

FORECLOSURES.

As a rule, the mortgagee has power to adopt either course. It is, perhaps, more usual to sell the mortgaged property under the power of sale given in the mortgage than to foreclose. Either course certainly causes the borrower some palpable expense, but a foreclosure action is the more expensive of the two.

PARTIAL PAYMENTS.

Mortgages, as a rule, do not provide for partial payments. In the case, however, of mortgages to building societies, which are numerous, it is often provided in the deed that the principal and interest shall be paid by installments. Default in payment of such installments would, in the case of such last-mentioned mortgages, allow the lender to exercise his power of sale and remedies given under his deed. There would, however, be no forfeiture of the moneys paid on account; they would have to be credited.

These partial payments, however, are not recorded in the deeds registry office. These deeds registries only affect property in Middlesex and Yorkshire. Partial payments on account of mortgages are often (but not invariably) acknowledged by indorsements on the deed creating the charge. Judgments in the superior court are usually entered for immediate payment of debt and costs; but in the county court they are sometimes taken for payment within fourteen days, and they are also often taken for payment by monthly installments. If the debtors make default in paying the installments, it is within the power of the creditors to issue execution for the balance after giving credit for installments paid on account.

CANCELLATIONS.

There is no particular form of cancellation of mortgages. A short release is usually prepared and signed by the mortgagee; it can either be written on separate parchment or indorsed upon the mortgage itself. In the case of building society mortgages, a mere statutory form receipt indorsed upon the mortgage deed is all that is required.

IRELAND.

REPORT BY CONSULAR AGENT RODGERS, OF LONDONDERRY.

RECORDED INDEBTEDNESS.

The systems as to registrations of mortgages on real and chattel property, liens, and judgments, in my consular district, are those which are applicable to the whole of Ireland, and are not peculiar to my district alone.

Mortgages of real property are registered in the general registry office, in Dublin, established so far back as the reign of Queen Anne. If not duly registered there, subsequently executed mortgages of the same property, duly registered, take priority of them.

Unregistered deeds of mortgage of real estate are valid as against the mortgageor, but, as I have stated, mortgages of subsequent date, if duly registered, have priority. To secure priority, mortgages are almost invariably registered in the office referred to.

The registry office is open for inspection of the public, and searches can be made there, on payment of a nominal fee, for the purpose of ascertaining how the land of any particular debtor or person is affected or encumbered.

In addition to mortgages by deed affecting real estate, judgments of the high court can now, under an act of the present reign, be converted into what are known as statutory mortgages, whereby the lands or real estate of the debtor are effectually charged.

The creditor on obtaining his judgment can now, by making an affidavit describing his debtor's lands, etc., register such judgment as a mortgage against the lands, and thus secure practically the same rights and remedies as if he had such lands included in a mortgage, and this in no way limits or affects the remedies which, as a judgment creditor, he already had against the chattels and personal property of the debtor. These latter mortgages, being registered in the same office, are open to the same inspection, and the same search may be made in respect to them as mortgages by deed.

Mortgages of chattel property are ordinarily known as bills of sale. All bills of sale of chattel property, crops, etc., must, pursuant to recent statutes, be registered in the queen's bench office of the high court of justice, at Dublin, within seven days, otherwise they are void against the execution creditors, assignees, or trustees in bankruptcy of the debtor or maker of the bill of sale, as well as against holders of a subsequent bill of sale duly registered.

The registry office is open to the public for inspection, and copies of the bills of sale registered can be obtained by any person.

The registration of a bill of sale must be renewed every five years to continue effectual.

Judgments of the high court are recorded in the divisions of the high court out of which they issue. In addition they are registered in the general office for registry in Dublin.

Judgments do not now become a charge on the personal chattels of a debtor by reason of their mere obtainment, but only on actual seizure of such

chattels under the judgment, as explained in answer to the next question. As before stated, judgments can now be converted into a charge on the debtor's lands.

Judgments are obtained in two ways, viz, in suits or actions by the creditor against the debtor, and by confession of the debtor, as, for instance, where the debtor by his bond and warrant of attorney confesses the debt and authorizes judgment to be entered. In each case the judgments are recorded and entered in the same way.

There is no absolute requirement to the effect that all mortgages should be recorded or registered, and mortgages of real estate are perfectly valid without registration; but, owing to the statutory provisions which, in the case of mortgages of real estate, give priority to registered over unregistered deeds, and give priority to registered deeds in the order of the date of registration, mortgages of real estate are generally registered as soon as possible after execution; and as the existing statutes declare bills of sale or mortgages of personal chattels and crops, if unregistered, invalid as against judgment creditors, etc., it follows that bills of sale or mortgages of personal chattels are invariably registered.

UNRECORDED INDEBTEDNESS.

The amount of unrecorded indebtedness can not possibly be ascertained with accuracy. By a thorough search it can be ascertained what is the actual amount secured by registered mortgages and registered bills of sale. Some few mortgages are not registered, but they are so few that they are of little practical importance. So, also, the exact amount of existing judgments of the high courts, not charged on lands, and of decrees of the superior courts can be ascertained; but I am not aware of any method by which it can be ascertained how much money has been lent by banks and private lenders, and the amount of trade debts owing throughout the country, unless, indeed, the Government were to order a return from every person in Ireland and publish the returns. My own opinion is that the amount of debt unrecorded exceeds the amount duly recorded or registered, but I have not sufficient information to make my opinion reliable.

RATIO OF MORTGAGES TO TOTAL VALUATION.

There are no official returns or statistics of mortgages or judgments, and it is therefore impossible to give the exact ratio they bear to assessed property at any specified time, but it is notorious that the registered mortgages and encumbrances affecting landed property in Ireland are more than half the total value of the property. House property is not so heavily, though it is largely, encumbered. It may, I think, be taken that the registered encumbrances and the judgments in question which are capable of being registered as statutory mortgages would usually amount to half of the whole value of the ratable or assessed property of Ireland.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages certainly complicate the transfer of land, but where the mortgages are few in number and the margin of value large the embarrassment is, of course, not so much felt as where the charges on the land are numerous. In cases where the land is heavily mortgaged its transfer is very troublesome and expensive.

INCREASE OR DECREASE OF MORTGAGES.

From 1800 up to 1880 recorded indebtedness steadily increased. This was originally caused by the extravagant mode of life of Irish land-owners when they were, after the legislative union in 1800, brought into closer contact and competition with the wealthier English aristocracy. The encumbered estates court was established in 1858 to remedy what was felt to be a very dangerous condition of things, by sale and transfer of heavily encumbered estates to a wealthier class, who, it was believed, would improve the land and develop the resources of the country. But the owners of the land were largely land-jobbers, and they were all influenced by the agricultural prosperity which followed the famine of 1857 to increase their rentals and to indulge in a corresponding increase of expenditure. This tendency steadily increased up to 1879, and during the intervening period the recorded indebtedness, even on the estates purchased in the encumbered estates court, also increased. But from 1879 there has been a steady and continuous decline in agricultural values, and through the operation of economical causes and the action of the land courts established by Mr. Gladstone's land act of 1881 the agricultural rental of Ireland has been reduced by about three-fourths of what it was in 1879. Simultaneously with the decline of agricultural prosperity there was a general contraction of credit. Banks became more cautious, merchants limited their operations, and money-lenders practically ceased to invest in land. At the same time large estates became unsalable, partly because of the fall in land values, and partly because of the disturbed condition of the country and the uncertainty that existed as to what legislative action might be taken for the settlement of the difficulties which had arisen with regard to Irish land.

Very few mortgages or sales of estates have accordingly been effected since 1879, and the recorded indebtedness of the country has therefore been practically at a stand-still since that date.

LIENS.

Liens are placed on personal property, including crops, under judgments of the high court of justice, as also by means of bills of sale. Bills of sale, whether by way of mortgage or absolute assignment, become a lien or charge on all personal chattels or crops comprised therein, but must be registered as referred to in the preceding answer.

Judgments bind the debtor's personal chattels and crops from the time of actual seizure by the sheriff pursuant to the judgment. Judgments have pri-

ority between themselves, so far as execution by the sheriff is concerned, according to the time of delivery to the sheriff for execution.

All personal chattels and growing crops are liable to execution under judgment of the high court. Growing crops, however, are not seizable under judgments of the county or inferior courts.

The wearing apparel and bedding and implements of trade of debtors, not exceeding £5 in value, are also exempted from execution under process or judgment of the county courts.

INTEREST.

The prevailing rate of interest in mortgages of land or real estate is 5 per cent. per annum for sums not exceeding £1,000, 4.10 per cent. per annum for sums exceeding £1,000 but not exceeding £5,000, and 4 per cent. per annum for sums exceeding £5,000. Since the abolition of the law against usury any higher rate can be agreed on which the mortgagee is willing to pay.

Formerly the highest rate of interest allowed was 5 per cent. per annum, but this provision was repealed in 1854, and the rate now depends on the contract of the parties, the prevailing rates, however, being those stated above, although higher as well as lower rates are sometimes charged.

In judgments the rate allowed by the courts is 4 per cent. per annum, unless where the judgment is founded on a bond or contract in which the parties have contracted for a higher rate, in which case the rate fixed by the parties themselves is followed.

FORECLOSURES.

Mortgages are foreclosed both by action at law (or suit in equity) and by sale under power. Up till about 1880 foreclosure and sale were generally effected through the court of chancery or the encumbered estates court. This may have been caused, to some extent, by the desire of the lawyers to make costs, for the sale of the property through the instrumentality of the courts was generally an extremely lucrative business. But the chief reason was purchasers could rely on a good title when the sale was effected through the medium of the court, and better prices were therefore obtained. Recent statutes have, however, greatly simplified titles, and a fall in the value of landed property has disposed mortgagees to favor speedier and less expensive methods than the court of procedure. In the case of small properties, therefore, the foreclosure is now generally effected by sale under power, where a power of sale exists or has been conferred by the debtor in the mortgage deed.

In the case of recent mortgages by deed there is now conferred a statutory power of sale, and it is anticipated that with the progressive simplification of titles and the breaking up and distribution of the larger properties now being effected by Lord Asbourne's act, under which tenants are purchasing their holdings from their landlords with the aid of money borrowed from the Government, the method of sale through the law courts will fall into disuse.

As an auxiliary to sales in the equity courts the encumbered estates court was established and is still in existence, although now known as the landed estates (or land judge's) court.

A large number of mortgageors' estates have passed through this court, and though the process is generally regarded as cumbersome and costly, it was at one time much resorted to by mortgagees, inasmuch as it empowered to confer an indefeasible title, irrespective of the mortgages or charges previously existing.

Where sales take place under powers either contained in deeds or conferred by statute the costs are now regulated by the solicitors' remuneration act, which provides a scale of remuneration equivalent to 40 shillings per £100 realized for the first £1,000; for the second and third £1,000, 30 shillings per £100; and for the fourth and each subsequent £1,000 up to £10,000, 15 shillings per £100. These rates are to be chargeable in addition to outlay and expenditure connected with the sale.

In sales through the courts the outlay was in former years much larger, owing to the court of chancery having to be resorted to; under a late statute, however, the jurisdiction of that court has been conferred on the county courts in all cases for raising the amounts of mortgages, etc., where the amount involved does not exceed £500, and in cases now brought in the county courts the costs of the suit rarely cost over £40. Where the superior courts have to be resorted to the expense is generally not so much as in former years, though still, as a rule, considerably exceeding cases where the sale is effected under power for that purpose.

PARTIAL PAYMENTS.

There are no provisions in force for the registration of partial payments; such payments are generally evidenced by the simple receipt of the payee merely pending the payment of the debt in full, when the mortgage or judgment is canceled, as referred to in the next answer.

CANCELLATIONS.

Cancellation is effected by a reconveyance of the mortgaged property from the mortgagee to the mortgageor. In the case of real estate such reconveyances are generally registered in the general registry office in Dublin. In the case of judgments and bills of sale the cancellation is effected by the registry of a memorandum signed by the creditor to the effect that the security or judgment is satisfied.

P. T. RODGERS,
Consular Agent.

UNITED STATES CONSULAR AGENCY,
Londonderry, July 19, 1889.

IRELAND.

REPORT BY CONSUL SAVAGE, OF BELFAST.

I send herewith two reports, one made by Mr. F. W. Magahan, United States consular agent at Lurgan, and the other by Mr. George Ballentine, United States consular agent at Ballymena, which contain the information called for in the Department's circular of May 10th last in regard to mortgages, etc., in this country.

Both of these gentlemen are natives of this country, and both of them hold the office of clerk of petty sessions, one in county Armagh and the other in county Antrim. The duties of their office afford opportunity to become acquainted with the law connected with the subject of your inquiry.

MORTGAGES AND JUDGMENTS.

In addition to the reports of Messrs. Ballentine and Magahan, I beg to say that the practice of the law as to mortgage and judgment debts is not quite uniform in the United Kingdom, but the general principle of all is similar. In Ireland a mortgage on land now requires to be registered in the registry of deeds office, Dublin, where an index registry is kept for the whole of Ireland, there being no county registry, as in the United States. This registry, however, shows the separate counties and baronies. A mortgage on land really dates from its registration, so that a mortgage not registered would be postponed in payment until the satisfaction of a mortgage subsequently dated which was registered. A mortgagee has very extended powers under the conveyancing act of 1881. He can lease the property for a certain period, according to the description of same, and he also has a statutable power of sale incident to his mortgage when the principal or interest become in arrear for three and two months, respectively, and he can then, after three months' notice in writing, sell the property either at public or private sale.

A chattel mortgage in America is known here as a bill of sale, and is now regarded by lawyers as a very dangerous document. The slightest variance from the form in the schedule to the bill of sale act will vitiate it, and, when sued on in a court of law, it is very carefully scrutinized by the judges. These also require to be registered in Dublin, and, unlike mortgages on land, must be registered within seven days from their execution, with a schedule of the articles comprised in same, and then must be re-registered every five years. There are several other assignments of personal or chattel property which come under these acts and must be registered.

In registering mortgages of land only an abstract of the deed is necessary to be recorded, but same must disclose the date, parties, situation of premises, and term for which held. The consideration is not necessarily given in the abstract, although in mortgages it is usually given to show the amount the mortgage is for, but in bills of sale an exact copy of same must be filed in court (queen's bench division).

A judgment obtained in the superior courts may be registered as a judgment mortgage against any lands of the debtor in which the judgment creditor can swear the debtor has an interest, and which he can dispose of without the assent of any person. When registered the judgment is similar to a mortgage and carries interest at 4 per cent. until paid. The creditor has not exactly the same power as an ordinary mortgagee (as explained above). He can only realize on the mortgage by the aid of the court. Judgment mortgages rank in priority according to dates of registration of charges, and take in priority to an ordinary judgment creditor in bankruptcy or in administrations.

In Ireland it is not necessary to register an ordinary conveyance or transfer of land, although conveyances of large properties are generally registered as a means of tracing the title. The court furnishes, on a proper requisition from any one, abstracts of deeds, judgments, and charges registered, which is the usual course adopted by the purchaser on the sale of land to ascertain if the title is clear; or a private search can be made by any person in the registry on payment of a small fee. Of course, the court or official search is the wisest course to adopt, as otherwise it is merely a private matter, and the responsibility of mistake rests only on the person who made same, whereas in the other case the court is liable.

Marriage settlements are always registered, and generally leases for long terms, or grants forever; but registration is purely optional in all cases except mortgages and instruments under the bills of sale acts and judgment mortgages.

Registration of conveyances, etc., operates as notice to the purchaser or subsequent mortgagees, therefore a search should always be made in the registry to ascertain if prior charges exist before the purchase is closed or money paid on a mortgage deed.

Decrees of the county courts can only be levied on goods and chattels, but may, in some cases, be brought into the superior courts, and then rank as judgments, as above explained.

GEORGE W. SAVAGE,
Consul.

UNITED STATES CONSULATE,
Belfast, July 6, 1889.

IRELAND.

REPORT BY CONSULAR AGENT MAGAHAN, OF LURGAN.

RECORDED IN DEBTEDNESS.

Mortgages on real and chattel real property are registered in the registry of deeds office, Dublin. This is effected by lodging with the registrar an abstract of the deed, called a memorial. There is no registration of liens. Judgments, whether decreed or confessed, are usually recorded in the judgment registry office attached to the high court of justice in Dublin, and,

when so recorded, are published for the information of traders in the different mercantile gazettes. When so registered in the judgment office creditors can have them further registered against any lands of the debtors in the deeds registry office, and this creates what is known as a statutory or judgment mortgage. When title-deeds are merely lodged as security no registration is made, it having been held by the courts here that such a simple deposit without any writing takes priority over a subsequent registered mortgage. Mortgages on chattel property are called bills of sale, and these are required to be registered in the queen's bench division of the high court of justice within seven days after date. This registration is also published in mercantile gazettes, but registration of conveyances or mortgages in deeds registry office is not published, but search of the records is permitted. It is not compulsory to register mortgages on real or chattel real property, but a registered mortgage takes priority over a prior unregistered one without notice. Bills of sale must be registered within seven days after execution.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages undoubtedly do complicate the transfer of property. There is also, sometimes, more difficulty making title for a mortgage than on a sale, as a mortgagee insists on all requirements being complied with, whereas on a sale the purchaser is generally precluded by conditions.

There are no means of ascertaining whether recorded indebtedness is increasing or decreasing in proportion to estimated values.

LIENS.

I have already explained that liens on personal property are effected by means of a bill of sale. Crops in existence can be included. A detailed schedule of all articles pledged has to be filed with bill. Debtor retains goods in his possession, but creditor has power of seizure. Judgments do not affect property till actual seizure is made, unless registered as judgment mortgage.

INTEREST.

The prevailing rate of interest on mortgages is 5 per cent., but judgments carry only 4.

FORECLOSURES.

Mortgages can either be foreclosed by action at law or sale under power. The county court jurisdiction provides a simple and speedy means of foreclosure when the amount does not exceed £500 and lands mortgaged £30 annual value. An act passed in 1881 implies in every mortgage a power of sale after three months' notice to mortgageor, or a sale of interest in arrears two months, or on breach of any of the covenants in mortgage. This power, however, can be either excluded or modified by express provisions.

PARTIAL PAYMENTS.

There is no provision for recording partial payments. This is a matter for arrangement between the parties, but the debtor does not lose all benefit

if he defaults in part. The courts here lean to the mortgageor, and keep to the principle that "once a mortgage always a mortgage," and are so strict as even to forbid a covenant imposing on the mortgageor a higher rate of interest should he fail to make punctual payment.

CANCELLATIONS.

Mortgages are canceled by the registration of a reconveyance executed by the mortgagee. Judgments and judgment mortgages are canceled by what is known as a satisfaction piece, being signed by mortgagee or judgment creditor and filed or registered. This satisfaction piece is merely a declaration by the creditor that the judgment debt has been paid.

GEO. W. MAGAHAN,
Consular Agent.

UNITED STATES CONSULAR AGENCY,
Lurgan, June 15, 1889.

IRELAND.

REPORT BY CONSULAR AGENT BALLENTINE, OF BALLYMENA.

RECORDED INDEBTEDNESS.

There are three kinds of mortgages, viz :

(1) Legal mortgages, by which one party gives to another the security of land or house property for money borrowed.

(2) Equitable mortgages, whereby the title-deeds are deposited with the lender, who retains such title-deeds until paid.

(3) Statutory mortgages. When a plaintiff in any action recovers judgment against a defendant he can, by making affidavit, register his judgment as a mortgage against the lands of a defendant.

Legal mortgages are always recorded ; equitable mortgages may or may not be ; and statutory mortgages must be recorded before they become a charge upon a defendant's property.

(a) A system also prevails by which a debtor executes a bond to his creditor acknowledging himself bound in the amount due. Attached to this bond is what is called a warrant of attorney, also signed by the debtor, empowering an attorney to confess judgment against the debtor at any time agreed upon, and execution can be issued to seize and sell the chattels, crops, etc., of the debtor to satisfy the judgment, and this judgment can also be recorded as a mortgage against lands, etc.

It is not required that mortgages be recorded, but the only protection to a mortgagee against other creditors would be to have his mortgage recorded at once. All mortgages take priority not with regard to their actual date, but with regard to the date on which they are recorded in the registry of deeds office. It has been recently decided that the deposit of deeds, being an equitable mortgage (see 2), takes priority over any subsequent recorded mortgage.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages do not complicate or embarrass the transfer of land titles, because, when a transfer takes place, the purchaser, on making search in the registry office, finds all the charges that must be cleared off the lands he is purchasing, and all mortgages may be cleared off by the mortgagee joining with the vendor of the property in assigning it to the purchaser, or by the mortgagee first releasing the property to the vendor. The former course chiefly prevails, as it saves the expense of drawing and recording the release.

INCREASE OR DECREASE OF MORTGAGES.

Recorded indebtedness is decreasing, in consequence of capitalists being unwilling to lend on land by reason of the unsettled state of men's minds as to the future of land property in this country.

LIENS.

See answer (a) as to confession of judgment. The same mode of execution also applies to judgments obtained in any lawsuit in the superior courts. Liens are placed on personal property also by a bill of sale, which must be recorded. Such property is subject to execution of judgment.

INTEREST.

The interest varies in proportion to the amount of the loan and in proportion to the value of the property from 4 to 7½ per cent.

FORECLOSURES.

Legal mortgages can be either foreclosed or sold under the power of sale. Equitable and statutory mortgages must be foreclosed, as they do not contain any power of sale. The expense in the former case would be about 5 per cent., and in the latter 15 per cent.

PARTIAL PAYMENTS.

There is no provision that I know of for partial payments. Part payment may be made to the mortgagee, whose receipt will hold good, as under no circumstances can a mortgagee recover more than the amount actually due of his debt and interest, and after sale must refund any remainder to his debtor.

CANCELLATIONS.

A deed of release, executed by the mortgagee and recorded, cancels a mortgage. A paper called a satisfaction, filed in the judgment office, cancels a judgment mortgage.

GEO. BALLENTINE,
Consular Agent.

UNITED STATES CONSULAR AGENCY,
Ballymena, June 10, 1889.

SCOTLAND.

REPORT BY CONSUL WALLING, OF LEITH.

RECORDED INDEBTEDNESS.

I.—Real, or, as it is called in Scotland, heritable property.

The Scottish system of registration is peculiar to itself, and, in order to render this answer as explicit as possible, I shall, in the first place, give a short account of the effect of registration, the different registers which exist in this country, and the purposes to which they are applied. This system of registration was established by an act passed by the Scottish Parliament in the year 1617, and, though it has undergone several amendments in detail, it is substantially the same now as on its institution. The only registers existing consist of—

(1) The general register of sasines. ("Sasine" is peculiarly a Scotch term, and may signify either the act of giving legal possession of real property, or, colloquially, the instrument by which that fact is proved.) This register is kept in Edinburgh in divisions applicable to each county. With the exception of real property situated within the boundaries of royal burghs, all conveyances relating to real property in any part of Scotland are recorded in this register. For such conveyances it is the only register, and deeds affecting real property, whether by sale, gift, mortgage, or succession, are registered in it. Deeds are preferable according to date and priority of registration. There are minute books kept for each county, in which are expressed the day and hour when, and the names and designations of the persons by whom, the writs are presented. The minute is signed by the presenter of the writ, and registration of the document is made to exactly conform to the order of the minute-book. The date of registration of a deed is the date of its entry in the minute-book. Registration is thus the test of preference. The register thus established, therefore, enables every one to know with certainty with whom he is safe to transact in the purchase of lands or in making loans on real or heritable security, and, generally, it may be said that this record affords data for ascertaining the state of the rights to all lands in the Kingdom, and the extent and nature of the burdens or encumbrances on each separate right in the land. No latent right not appearing in the register can affect a purchaser or mortgagee, and thus the public is fully protected. Deeds may be recorded at any time during the life of the person on whose behalf they are presented for registration. Every deed presented for registration must have a warrant indorsed thereon specifying the person in whose behalf it is presented and signed by him or his agent. Registration operates in constituting a real right only in favor of the party expressed by the warrant. When it is not desired to record the whole of a deed a notarial instrument may be prepared and recorded, setting forth generally the nature of the deed, and containing at length those portions which relate to the particular right or rights which it is desired to make real by registration. It is also competent for the grantor of a deed to insert before the

testing clause a clause of direction in form prescribed specifying the part or parts of the deed which he desires to be recorded. In case of any error or defect in the registration the deed can be recorded anew. A mortgage, or, as it is called in Scotland, a bond and disposition in security, has also to be recorded, in order to create a real right. A statutory form of the bond is prescribed. The bond starts with the name and designation of the borrower, who acknowledges to have received a certain sum, which he binds and obliges himself, etc., to repay to the lender, etc., at a fixed term, the said sum with interest at a fixed rate. Accompanying the bond there is a disposition of the real property in security of the borrowed money redeemably and under reversion, accompanied by a power of sale to the creditor under certain conditions and precautions. Information as to the exact state of the record is obtained in the following manner: A search is made in the register by searchers specially appointed for the purpose. The search will extend backwards for forty years, viz, the prescriptive period. By the act of 1617 prescription was established. By it persons and their heirs and successors who have possessed their real property for the space of forty years continually and together following and ensuing the date of their title being recorded in the general register of sasines, without lawful interruption, shall never be troubled or disquieted in the property by any other person pretending right by virtue of prior titles, or any other ground except falsehood, provided the possessor can produce a proper title duly recorded preceding the forty years. By the act of 1874 actual possession for twenty years is sufficient to constitute prescription. Prescription is a good defense against objections to the titles grounded either on nullities in those titles which are not required to be produced (viz, those titles prior to the prescriptive period) or on latent nullities or objections. Though possession for twenty years on a good title cuts off all objections to prior titles of real property, yet it is still necessary in obtaining a "search for encumbrances" to go back for forty years so as to ascertain if any mortgages or other burdens affect the property. If there are any mortgages or other real burdens affecting the subjects of the mortgage, the search will disclose them. Such searches are somewhat, but not fully, equivalent to an abstract of title. As the register is indexed up to date a search can be quite readily obtained. Complete reliance can be placed on the information furnished by the search.

(2) The burgh register of sasines kept in each royal burgh for the lands within it. This register is kept by the town clerk. All titles of real property within the burgh must be recorded in this register. The rules as to registration of titles in this register are exactly the same as those applicable to the general register.

(3) The register of inhibitions and adjudications.

(a) Inhibition is a writ passing the signet (the royal sign manual), whereby the debtor or party inhibited is prohibited from contracting any debt which may become a burden on his real property, or whereby his real property may be attached or alienated to the prejudice of the inhibitor's debt. This dili-

gence may proceed on a debt which has been constituted, or the amount of which has been clearly ascertained, or on the decree of a court, or on a decree of registration, and it may also proceed on a depending action, or even on a conditional debt. When the inhibition has been executed against the debtor it must then be recorded in this register. It has no effect until it is recorded. The inhibition thus completed strikes against all acts and deeds of the debtor subsequent to its having been recorded. The diligence is strictly personal to the party inhibited, and strikes against the debtor only. If he should die, his heirs will not be affected by the prohibition unless it be renewed against them. Its operations are strictly confined to real property. Inhibition does not affect property acquired subsequent to the date of the registration of the inhibition, except such real property as was at the date of the registration destined to the person inhibited by an indefeasible title. Inhibition strikes only against the voluntary deeds of the debtor posterior to its completion, and not against debts or deeds resulting from obligations previously contracted. Thus, if prior to the date of the inhibition the debtor has become bound by minute of sale to sell his lands, a disposition in fulfillment of that prior obligation, though executed posterior to the inhibition, will not be affected thereby. Neither will the inhibition strike at posterior judicial rights, such as an adjudication proceeding on a debt contracted prior to the date of the inhibition. Another peculiarity in this procedure is that it confers no active right on the creditor using it. Its operation is merely negative, and, though the creditor is entitled to reduce titles to his prejudice executed in defiance of the inhibition, he can not rank on the debtor's estate in virtue of the inhibition *per se*. The creditor, in order to take active steps, must adjudge, and then his inhibition, followed by adjudication, will give him an available preference over all the creditors whose debts were contracted posterior to the execution of the inhibition. Inhibitions prescribe in five years, but they may be renewed for additional periods of five years by again recording the inhibition. A search is made in the register in the same manner as in the other registers so as to ascertain if they are clear.

(b) *Adjudication*.—There are several kinds of adjudication, but the one with which this question is concerned is “adjudication for debt.” This is the proceeding by which land and other real property is attached in satisfaction of debt. This action proceeds on a summons before the supreme court. The decree in the action adjudges the lands, etc., to the creditor for payment and satisfaction to him of the principal debt and interest down to the date of decree, and also of interest during the non-redemption of the said lands, etc. An abstract of the decree has to be recorded in this register. All adjudications recorded within a year with a day's grace are ranked *pari passu*. The right of the adjudger is redeemable within ten years. A search in this register will, of course, disclose whether any adjudication exists against the debtor.

II.—Chattel, movable, or personal property. According to the law of Scotland the distinction between heritable or real property and movable or

chattel property rests more on the legal rights or privileges of the heir and the executor than on the nature of the property concerned. Generally, all improvements in, or connected with, land or real property are heritable or real property. Whatever moves itself, or can be moved without injury to itself or the land with which it is connected, and whatever is not united to land, is movable or chattel property, and descends to the executor, whereas heritable or real property descends to the heir. Thus personal debts and engagements, shares of companies, bank stock, government stocks, ships, cash, furniture, live stock, etc., are movable. Movable or chattel property is again divided into incorporeal or corporeal :

(1) Incorporeal property, such as debts, policies of insurance, or interests in trust estates, etc., may be mortgaged. There is no registration of this form of mortgage. The mortgage, or assignment by the creditor, is simply notified to the debtor, who, instead of implementing his obligation or paying his debt to the original party, is bound to pay the debt to the mortgagee. Such mortgages rank, in a competition, in order according to the time or date of notification, which is equivalent to registration.

(2) As regards corporeal movables or chattels, no mortgage can be granted over these, nor can any indebtedness be constituted in such a manner. The only competent method by which money can be raised or borrowed on such property is by actual delivery in pledge or by consignment of goods in a neutral warehouse.

(3) Mortgages can be granted over ships, and these must be recorded in Lloyd's register—a special register for ships. Movables, or chattels, can be arrested (attached) under warrant of court when these are found in the hands of third parties. All arrestments are cut down by bankruptcy within sixty days of their date. Arrestments do not, however, constitute an active right. To make an arrestment available against the debtor an action known here as an “action of furthcoming” has to be instituted against the arrestee.

An unrecorded mortgage is only a personal obligation, and gives no security over real estate. Mortgages are ranked according to the date on which they are entered in the register of sasines.

RATIO OF MORTGAGES TO TOTAL VALUATION.

There are no tables from which the probable ratio which judgments bear to total valuation of taxable and assessed property can be found. By making a search all the mortgages recorded in the general register of sasines would be disclosed, but even if that were done the figures would not give the exact amount of recorded indebtedness. To make a search such as would determine this question would involve months, or even years, of labor and very great expense. Not infrequently loans are secured by *ex facie* absolute conveyances of real estate, in which the cause of granting is stated to be “certain onerous causes and considerations.” In such cases the real nature of the transaction is usually set forth in a “back letter,” which is kept secret until the loan is repaid. Another form of security on real estate is the “bond and disposition in security for a cash credit.” A trader

arranges with bankers for accommodation to a certain maximum, and a bond, granted in respect of such accommodation, gives the bankers a good mortgage for whatever balance may be due them to the extent of the maximum stated, with three years' interest thereon at 5 per cent.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

It can not be said that mortgages embarrass or complicate the transfer of land titles in Scotland, unless in the case of very small properties, such as working-men's houses. Where the property has been frequently transferred or mortgaged it is necessary to have an inventory of the various deeds, and this adds seriously to the expense of conveyance, telling heavily on small transactions, while, in the case of large properties, the increase of expense is not great.

INCREASE OR DECREASE OF MORTGAGES.

There can be no doubt that of recent years recorded indebtedness has increased in proportion to the estimated values. Exact figures can not be obtained without great expense, but it is well known that land-owners in Scotland have been obliged to borrow more frequently of recent years than formerly, while the value of land mortgaged during the period of high values has shrunk, generally, and, in some districts, from 30 to 50 per cent.

LIENS.

Liens can not be placed on such personal property as crops. Prior to 1880 landlords had a lien known in Scotland as "hypothec" over the crops of the tenants for their rent, but that right has now been abolished under reservation of current leases. Landlords of urban or city property still have a hypothec for one year's rent over their tenants' furniture and goods. Under a decree or judgment creditors may "pound" (that is, what we know as distrain), specially seize, and attach the debtor's goods, which are inventoried and valued by an appraiser and afterwards sold by a warrant of court. There is an exemption of "plow goods in time of laboring if the tenant has any other poundable goods."

There is in Scotland a class of officials known as "valuators." They hold their warrant of authority through a license, and their function is to appraise or value properties, real or personal, their decisions being generally accepted.

INTEREST.

The general rate of interest on mortgages is fixed by a body of commissioners elected by various public bodies, who meet half-yearly for that purpose, and, although this body has no real authority, its decision is usually followed. There is now no usury law in Scotland, the same having been abolished in 1854. By general approval, 5 per cent. seems to be the rate of interest that can be collected in the absence of a contract for any other stipulated sum. The rate for first lien on landed country property is now, and has been for some years, $3\frac{1}{2}$ per cent. A table is furnished showing the variations of this rate (inclosure 3). The rate on city property is fixed in

the same way. The present rate for first-class house property being 4 per cent., second-class securities, such as loans over very old or inferior houses, are rated at from $4\frac{1}{2}$ to 5 per cent., and loans upon manufacturing premises are sometimes effected at even higher rates. In cases where the loan exceeds 60 per cent. of the value of the security special rates are often paid. Judgments carry interest at 5 per cent., unless specially restricted.

FORECLOSURES.

Mortgages are realized by sale under power contained in the mortgage. The proceedings are regulated by statute—"the titles to land consolidation (Scotland) act, 1868." Notice is given by the creditor to the debtor that payment of the principal sum in the mortgage, with the interest thereon, is required within three months, and that if he fail within the said period to pay the amount thereof the real property of the security will be advertised and sold. In the event of the debtor failing to pay the sum as required the property must be advertised for sale at public auction once weekly for at least six weeks. If it does not sell at the first exposure, subsequent exposures require only three weeks' advertisement. The expense of the conveyance of a property sold under a bond is not greater than in the ordinary case, and the only extra expense is that of the notarial requisition, articles of sale, and advertising. These expenses, in the case of larger properties, are proportionally immaterial, but in the case of small properties, such as working-class dwellings, they form a very serious item.

PARTIAL PAYMENTS.

The creditor under a Scottish mortgage continues liable to render an account of his intromissions with the rents and price of the property, and, if there is any reversion, it falls to the debtor. There is no procedure in the law of Scotland by which the mortgagee can appropriate to his own purposes the property comprehended in the mortgage, and the creditor can never get out of the property more than his debt, interest, and expenses, unless he bring an action of adjudication against the debtor, and, thereafter, after the lapse of ten years, obtain decree of expiry of the right of redemption or possess on a charter of adjudication for forty years. Partial payments of mortgages which have been called up or judgments could only be made under arrangement. When a partial payment of a mortgage is made, it is necessary, and it is the correct practice, to record the discharge thereof.

CANCELLATIONS.

Mortgages are canceled by a formal deed of discharge recorded in the register of sasines (copy form —, inclosure No. 2).

It is not possible to arrive at a probable proportion of recorded and unrecorded indebtedness.

WILLOUGHBY WALLING,

Consul.

UNITED STATES CONSULATE,

Leith, June 20, 1889.

FORM OF A BOND AND DISPOSITION IN SECURITY.

[Inclosure 1 in Consul Walling's report.]

I, A. B. [here name and design the grantor], grant me to have instantly borrowed and received from C. D. [here name and design the creditor], the sum of [insert the sum] sterling, which sum I bind myself and my heirs, executors, and representatives whomsoever, without the necessity of discussing them in their order, to repay to the said C. D., his executors (or his heirs, excluding executors) or assignees whomsoever, at the term of [here insert the date and place of payment], with a fifth part more of liquidate penalty in case of failure, and the interest of said principal sum at the rate of ——— per centum per annum from the date hereof to said term of payment, and half-yearly, termly, and proportionally hereafter during the not payment of the same, and that at two terms in the year, Whitsunday and Martinmas, by equal portions, beginning the first term's payment of the said interest at the term of ——— next, for the interest due preceding that date, and the next term's payment thereof at ——— following, and so forth, half-yearly, termly, and proportionally thereafter, during the not payment of the principal sum, with a fifth part more of the interest due at each term of liquidate penalty in case of failure in the punctual payment thereof. And, in the security of the personal obligation before written, I dispose to and in favor of the said C. D. and his foresaids, heritably but redeemably, as after mentioned, yet irredeemably in the event of sale by virtue hereof, all and whole [here describe or refer to the lands],* and that in real security to the said C. D. and his foresaids of the whole sums of money above written, principal, interest, and penalties, and I assign the rents, and I assign the writs, and I grant warrandice, and I reserve power of redemption, and I oblige myself for the expenses of assigning and discharging this security, and in default in payment I grant power of sale, and I consent to registration for preservation and execution.

In witness whereof, etc. [insert a testing clause in usual form].

FORM OF DISCHARGE OF BOND AND DISPOSITION IN SECURITY.

[Inclosure 2 in Consul Walling's report.]

I, A. B., in consideration of the sum of [specify sum], now paid to me by C. D., do hereby discharge a bond and disposition in security (or other security), dated [insert date], and recorded [insert date of recording, if recorded, and register of sasines], for the sum of [insert sum], granted by [insert name and designation of the debtor], in favor of [insert name and designation of grantee], and all interest due thereon; and I declare to be redeemed and disburdened thereof, and of the enfeoffment following thereon, all and whole [describe the lands], all as specified and described in said bond and disposition in security, dated and recorded as aforesaid [and, if the same has been followed by sasine, here omit the words "and recorded" and add], and instrument of sasine thereon as the same is recorded in the [specify the register of sasines in which the same is recorded], on the [specify date of registration].†

In witness whereof, etc. [here insert a testing clause in usual form].

(Signed,)

A. B.

Witnesses:

E. F.

G. H.

* If the lands are held under any real burdens, conditions, provisions, or limitations, insert them here or refer to them in or as nearly as the circumstances may require in the form of schedule.

† If the grantor of the discharge is not the original creditor, but one who has acquired right to the security, specify shortly here the title or series of titles by which the grantor acquired such right.

[Inclosure 3 in Consul Walling's report.]

Table of rates of interest on mortgages on landed security in Scotland.

From —	To —	Rate per annum.
		<i>Per cent.</i>
Whitsunday, 1817.....	Martinmas, 1822.....	5
Martinmas, 1822.....	Whitsunday, 1824.....	4½
Whitsunday, 1824.....	Whitsunday, 1826.....	4
Whitsunday, 1826.....	Whitsunday, 1828.....	5
Whitsunday, 1828.....	Whitsunday, 1829.....	4½
Whitsunday, 1829.....	Martinmas, 1830.....	4
Martinmas, 1830.....	Lammas, 1831.....	3½
Lammas, 1831.....	Whitsunday, 1834.....	4
Whitsunday, 1834.....	Whitsunday, 1837.....	3½
Whitsunday, 1837.....	Martinmas, 1838.....	4
Martinmas, 1838.....	Martinmas, 1839.....	3½
Martinmas, 1839.....	Whitsunday, 1843.....	4
Whitsunday, 1843.....	Whitsunday, 1846.....	3½
Whitsunday, 1846.....	Martinmas, 1847.....	4
Martinmas, 1847.....	Whitsunday, 1849.....	5
Whitsunday, 1849.....	Martinmas, 1850.....	4½
Martinmas, 1849.....	Whitsunday, 1850.....	4
Whitsunday, 1850.....	Whitsunday, 1854.....	3½
Whitsunday, 1854.....	Martinmas, 1859.....	4
Martinmas, 1859.....	Whitsunday, 1861.....	3½
Whitsunday, 1861.....	Whitsunday, 1866.....	4
Whitsunday, 1866.....	Martinmas, 1866.....	4½
Martinmas, 1866.....	Whitsunday, 1867.....	5
Whitsunday, 1867.....	Whitsunday, 1881.....	4
Whitsunday, 1881.....	Whitsunday, 1889.....	3½

NOTE.—Whitsunday (May 15) and Martinmas (November 11) are the half-yearly terms at which nearly all rents and interests are collected in Scotland. The term Lammas is August 1.

SCOTLAND.

REPORT BY CONSUL UNDERWOOD, OF GLASGOW.

RECORDED INDEBTEDNESS.

Mortgages in Scotland are made upon real estate only. Mortgages of personal property are unknown, as the law in Scotland follows the Roman law, recognizing no lien upon chattels, crops, etc., without delivery. The deed constituting a mortgage upon real estate is called a bond and disposition in security. It contains an acknowledgment of the loan and a disposition of the lands in security therefor, with a right of redemption and a power of sale in the event of default of payment after due notice to the debtor. According to the law of Scotland, a naked judgment is not a lien upon either real or personal estate; but a bond and disposition usually contains a clause by which the debtor "consents to registration for execution," and the effect of this is that, after default, the creditor may enter the bond for registration, not meaning thereby the usual record, and that he may then obtain from the court an extract (equivalent to a judgment), by virtue of which any property whatever of the debtor may be seized and sold if the

real estate does not bring enough to extinguish the debt. A creditor wishing to establish a lien upon real estate pending litigation may apply to the court, as soon as his action is entered, for an "inhibition," and thereby prevent the defendant debtor from making a sale before judgment is rendered. An inhibition is not granted as to personal property, but the plaintiff may apply for a warrant to arrest upon the dependence when the debtor has property in the hands of third persons, a proceeding analogous to the trustee process in the United States. In order to constitute the loan a real burden upon the land, and to secure priority of right, a mortgage must be recorded.

RATIO OF MORTGAGES TO TOTAL VALUATION.

Mortgages are generally for two-thirds the value of the real estate. Lenders are unwilling to advance money upon less security. As to the prevalence of the system, it is believed that at least seven-eighths of the real estate of Glasgow is mortgaged to the extent of two-thirds its value. This is an indication of prosperity in business. A builder of houses or a manager of real estate, by the use of capital borrowed at a low rate of interest, is able to control more property and reap more profit. A merchant who borrows £5,000 upon the security of his house will generally make twice as much as the interest costs him by the use of the money in his business. If it is said that the lender might do the same thing, the answer is that lenders are usually trustees, and that they, as well as incorporated bodies, are prohibited by law from investing funds except upon real estate security or upon certain specified stocks and bonds.

The foregoing statements apply equally to smaller cities and towns in Scotland.

Mortgages prevail also among the landed proprietors of the country at large; it may be said they are almost universal. Many estates have descended to their owners burdened with debts. An heir coming into possession is often obliged to raise money by mortgage to provide for the jointure of the widow, the portions of the daughters, or the pensions of relatives or dependents.

It is generally the ambition of men who have been successful in business to acquire lands for the sake of social distinction and to give station to their children, and such purchases are rarely made without raising a part of the price by mortgage.

In the foregoing attempts to answer the question propounded there is no probable ratio given, and for the reason that in Scotland there is no official assessment of values in real estate. Taxes are laid upon the rental or income, so that many most valuable estates pay little or nothing, and the country mansions are rated for taxation at merely nominal figures. The real value of an estate can never be ascertained till it is put up for sale.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

When the title to land is transferred the transferee becomes liable for the mortgage, and the fact of there being a mortgage does not, in practice, greatly

complicate or embarrass the transfer. It may be said, in fact, that the embarrassment is extremely slight, as in any case a search would be necessary in the two offices, namely, of registration of deeds and inhibitions. The system of records is clear and perfect.

INCREASE OR DECREASE OF MORTGAGES.

It would not be possible to answer by figures whether recorded indebtedness is increasing or diminishing in proportion to estimated values, but it is universally believed to be diminishing, as it has become extremely difficult to obtain money on second mortgages.

UNRECORDED INDEBTEDNESS.

Unrecorded indebtedness may be considered in two classes. The first including the whole volume of mercantile transactions, which is constantly fluctuating, the second the occasional loans on time for accommodation.

In mercantile transactions the indebtedness is for fixed periods, generally short, and when the amount of a purchase is large it is usually provided for by depositing the bill of lading or other title with some bank or individual that will furnish the funds. I believe it would be impossible even for a board of trade to make any trustworthy estimate of such indebtedness.

As to loans for accommodation without mortgage, they are extremely rare, except between persons united by the closest ties of blood or friendship.

No one thinks of borrowing or lending any considerable sum without security. If banks loan upon stocks or bonds, they must be legally transferred and held by the banks as owners. Such loans are common, but loans without security are so infrequent that it is scarcely necessary to take them into account in considering the bulk of indebtedness.

On the whole, I do not see how it is possible "to arrive at a probable proportion of existing recorded and unrecorded indebtedness."

LIENS.

No liens upon personal property or crops arising from judgments, whether voluntary or decreed, are effective until followed by execution or delivery. All personal property is subject to execution of judgment, except, by ancient law, "plow goods," namely, horses, oxen, and farming implements, necessary for cultivating and securing the crop of the season. But this exception is allowed only where there are other goods to attach. Crops in anticipation, such as growing corn, are subject to attachment; but the growth, it appears, must be substantial, for it has been held that an attachment of a field of oats in which the plants were only braided (just pushing through the soil) was ineffectual. All liens and all attachments are subject to the prior claims of taxes, and in urban districts they are subject also to the landlord's claim for rent, if it is made effectual by sequestration within three months from the time it is payable. But, since the act of 1881, in the case of lands let for agriculture and pasturage exceeding 2 acres, the owner has no lien upon crops. No household furniture whatever is exempt from execution.

FORECLOSURES.

Mortgages are foreclosed by sale under power after advertisement twice a week for six weeks. The expenses vary according to circumstances. The proceedings are conducted by solicitors, who employ the auctioneer and make out the deeds. For their services there is a uniform scale of fees, increasing with the value of the estate. For instance, in the case of a bond for £1,000, if the sale realizes £1,500, the advertising, the Government stamps, with the fee to the auctioneer and to the solicitor, will amount to about £30. If the bond were for £4,000 and the sale brought £5,000, the expenses would be about £40.

Stamps on mortgages are 2½ shillings for each £100 of value. Stamps on deeds are 10 shillings for each £100. For recording the charge is from 2 to 3 shillings per sheet of two hundred words (according to the value of the estate), and 7½ shillings for the certificate.

INTEREST.

The rate of interest is from 3½ to 5 per cent., according to the value of the security. Judgments carry interest at 5 per cent.

PARTIAL PAYMENTS.

In the case of partial payments the creditor gives a deed of discharge, restricting his security to the balance unpaid. This deed is recorded, in order to clear the record and protect the debtor. Whether the debtor will lose if he defaults in part will depend upon the result of the final sale. If he defaults in any part, the mortgagee will have the right to make the sale under the power; if the sale brings enough to extinguish the debt, with expenses, the debtor (in theory) will have lost nothing.

CANCELLATIONS.

A mortgage is canceled by a discharge, which extinguishes the debt and disencumbers the land of the mortgage. It is always placed on record.

J. H. UNDERWOOD,
Consul.

UNITED STATES CONSULATE,
Glasgow, May 31, 1889.

WALES.

REPORT BY CONSUL JONES, OF CARDIFF.

RECORDED INDEBTEDNESS.

Mortgages of freehold and leasehold property are very common, but are by simple deeds and not recorded in any court or public office. The only valid mortgages of movable chattels are by bill of sale registered in the high court of justice, in London, within seven days of execution, and those are advertised in commercial gazettes, etc. Actual hypothecation of goods by

deposit is extremely rare; any other lien is invalid as against bankruptcy. Judgments are, of course, all of record, but do not confer any security upon those by whom they are recorded.

RATIO OF MORTGAGES TO TOTAL VALUATION.

As to the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property, no mortgages save bills of sale of personal chattels are recorded. Having due regard to the character of the surrounding proprietors and the rules of law and practice of mortgaging, it would be about right to say that 50 per cent. of freehold and 75 per cent. of leasehold properties are mortgaged within the area embraced in this consular district for from 40 to 75 per cent. of their actual gross value. This applies to dwelling-houses, shops, farms, lands, etc., but not to manufacturing premises, chapels, etc. Judgments are not security, and are not really important.

INCREASE OR DECREASE OF MORTGAGES.

I do not think the proportion of recorded indebtedness to estimated values varies greatly; but I think that what movement there is is towards a diminution. This opinion is based upon the following facts: The land-owners in this consular district do not build themselves, but let out their land on building leases. Where this is done a ground-rent exceeding the previously paid agricultural value is reserved, and the revision becomes more valuable. The lessees build and mortgage the leasehold interest, but, the rules of law as to investment having of late years become more stringent, a larger margin is now required between the amount borrowed and the value of the security given than was formerly the case. As to debts of record proper (judgments), there are no means of obtaining the information sought, nor would it be of any value if obtained.

LIENS.

Confession of judgment is out of date in England. The only legal method of dealing with personal property so as to obtain a lien on it is by actual delivery of possession or by bill of sale, as indicated under the head of recorded indebtedness; and unless all the requirements of the bills of sale acts of 1878 and 1882 are complied with, the bill of sale is void as against execution creditors.

INTEREST.

The prevailing rate of interest is as follows: Mortgages of freeholds, from 3 to 5 per cent.; of leaseholds, from 4 to 6 per cent.; of chattels (bills of sale), 5 and as much even as 60 per cent.; judgments (by statute), 4 per cent.

FORECLOSURES.

Mortgages are rarely foreclosed by action at law; generally by sale by action under power. The expense, if an auctioneer and a solicitor were

employed, as is generally the case, would average, for fees, advertisements, deducing and completing title, etc., about 7.10 per cent. on the first £300, and 5 per cent. after, up to, say, £2,000; after that the percentage would decrease.

PARTIAL PAYMENTS.

In many cases of mortgages of goods by way of bills of sale, and where goods are let out on hire, provision is made for payment by installments, in default of payment of any one of which the balance becomes due immediately; but the mortgagee can always be made to account for all moneys received from his security, and he can never be more than trustee for the mortgageor of any balance after satisfaction of his debt. Payments in part or in whole are not necessarily recorded, although an entry may be made in the high court that a bill of sale has been satisfied, and this is advertised in the same way as the granting of the bill of sale at first. It is, however, a rare practice.

CANCELLATIONS.

Mortgages are canceled by deed of recompense, reassignment, or surrender, as the tenure of the property and the value of the security may require.

EVAN R. JONES,
Consul.

UNITED STATES CONSULATE,
Cardiff, June 6, 1889.

BRITISH POSSESSIONS IN EUROPE.

GIBRALTAR.

REPORT BY CONSUL SPRAGUE.

EXPLANATORY.

Gibraltar is a Crown colony and a fortress, and the laws of England are in force here. The land belongs to the Crown, but grants have been made to persons in fee and for terms of years subject to the payment of ground-rent to the Crown in acknowledgment of its continuing title and to the right of the Crown to resume possession of the land if required for the defense of the fortress, and purchasers of landed property are tenants of the Crown. All deeds affecting the ownership of the land must be approved by the governor as representative of the Crown and then registered in the supreme court within a limited period, otherwise they are void. All wills affecting the land must be registered in the supreme court within certain limited periods, otherwise they are void so far as intended to affect the land. The governor has power to make laws, subject to the approval of the Crown. The laws of England are in force in Gibraltar, and the practice in the courts is based on the English practice. The payment of mortgages, whether

legal or equitable, can be enforced either by foreclosure or sale, and all laws are settled and determined here, as in England, by judgment and execution. The powers of the supreme court of judicature of England have been vested in the supreme court of Gibraltar.

RECORDED INDEBTEDNESS.

As to what systems of recorded indebtedness, such as mortgages on real and chattel property, liens, and judgments, both decreed and confessed, prevail in my consular district, I beg to state that mortgages on real estate, including chattels real and bills of sale on personalty on movable property, are here registered in the registry office of the supreme court. Judgments decreed and confessed are also there recorded. Beyond these there is not any record of liens, which (speaking generally) are common law rights existing only in cases of actual or constructive possession. The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property can not be given. All mortgages, whether of real or personal property, must be registered, as before mentioned. Mortgages do not necessarily complicate or embarrass the transfer of land titles if the encumbrances be clear and the parties or representatives *in esse* are competent to join in the transfer.

As to whether recorded indebtedness is increasing or diminishing in proportion to estimated values, I beg to state that I have not succeeded in obtaining any reliable information on the subject to offer even an opinion thereon. It is impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

LIENS.

Charges constituting liens may, by consent of parties, be placed on all personal property (there are no crops here). Such property would be subject to execution under a judgment.

INTEREST.

The rates of interest prevailing at present on mortgage paper rule from 4 to 6 per cent. per annum, but any rate of interest may be taken which the mortgageor is willing to pay.

FORECLOSURES.

Mortgages are foreclosed by suit in equity at the expense of the mortgagee, the cost of doing so being dependent on the nature of the case. The sale of mortgages under power is not usual here, though it is legal to do so.

PARTIAL PAYMENTS.

Partial payments do not require to be recorded, nor does the debtor lose all benefit on partial default, unless expressly so stipulated in the document or record.

CANCELLATIONS.

The ordinary form of cancellation of a mortgage on payment is by a reconveyance of the mortgaged property to the mortgageor, which reconveyance must be registered.

HORATIO J. SPRAGUE,
Consul.

UNITED STATES CONSULATE,
Gibraltar, May 30, 1889.

MALTA.

REPORT BY CONSUL WORTHINGTON.

RECORDED INDEBTEDNESS.

The system of recorded indebtedness which prevails in the island of Malta, a British possession, is that styled hypothecation, or mortgage, that is, the right acquired by the creditor over the immovable property assigned to him by his debtor as security for his debt, although he is not placed in possession of it, and is almost entirely based on the Code Napoleon and Italian code.

Mortgage can only take place in the cases and according to the formalities prescribed by law, and may be either legal, judicial, or conventional—legal when resulting from the law, judicial from a judgment, conventional from deeds or contracts published by a notary public in the presence of two witnesses. Mortgages may be general or special; the former affects, generally, all the property, real and personal, of the debtor; the latter only certain specific property.

Mortgages on the immovable property hereinunder described continues on it, though it passes into other hands, namely:

(1) Things immovable by nature, and the products thereof, as long as they are not separated therefrom.

(2) The right of usufruct on the said immovables for the time of its duration.

(3) The *dominium directum*, or emphyteusis, on the said immovables, given on long lease, and in the *dominium utile*, or ownership, on same property.

Hypothecation constituted on property not included in the provisions contained above, that is, personal property, ceases as soon as it passes into the hands of a third party.

Contracts made out of the island of Malta and its dependencies by a public or authentic act, according to the laws of the place, or before a British consul, or diplomatic or consular agent, can produce hypothecation on property existing in these islands, whensoever the competent civil court in Malta, on demand of the creditor, by way of citation, shall have ordered the registration thereof.

RATIO OF MORTGAGES TO TOTAL VALUATION.

There is no direct taxation in Malta, and no assessment or valuation of property, real or personal; therefore the question can not be answered. The

revenue is mainly raised on wheat, wine, spirits, etc. A third of the land belongs to the Government, a third to the Roman Catholic church, and a third to private parties.

MORTGAGE RECORD.

All mortgages must be recorded. No mortgage is valid unless recorded in the public registry by means of a note of inscription filed by the creditor. Mortgages take precedence and effect from the date of record.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages complicate and embarrass the transfer of land immensely, as the mortgage follows real property, even if transferred to third parties. A large amount of time and much expenditure are involved in searching the public registry, in order to see whether any mortgages are recorded against the property offered as security. In respect to property possessed by a third party, the prescription in his favor is obtained by the lapse of ten years from the day on which the property was by him acquired, although the creditor did not know that such property had passed into the hands of third parties. The fact that in Malta there are no title-deeds of property—all deeds being lodged by the notaries in the public archives, and no entry is made on them of mortgages effected—tends also to complicate and embarrass the transfer of land titles.

INCREASE OR DECREASE OF MORTGAGES.

There are no data upon which to estimate the increase or decrease of recorded indebtedness as compared with the estimated values.

LIENS.

Mortgages or liens on personal property cease as soon as it passes into the hands of third parties. All property, whether affected by mortgage or not, is subject to execution. The mortgagee has a preferential right to the proceeds of the sale, which is always held under the authority of the civil court. Certain chattels (bedding and other necessities) are exempted, unless seized for rent. Crops are considered real property until removed from the ground. The provisions of the law of Malta have no effect in regard to ships and to credits to which ships are subject, except in so far as they are compatible with the provisions of the acts of the Imperial Parliament called the merchant shipping acts. Advances on goods in commercial affairs have a preference, if such goods are discovered and recognized, although they have passed into the hands of third parties.

INTEREST.

The prevailing rate of interest on first mortgages is from $3\frac{1}{4}$ to 5 per cent. per annum, but interest may be agreed to up to 6 per cent.; any higher interest is illegal. The judgment rate of interest is 5 per cent., when not agreed upon. The commercial rate is 6 per cent. per annum.

PARTIAL PAYMENTS.

Partial payments need not be legally specially recorded, but they may be recorded at any time, at the request of the debtor, against the original record of mortgage, provided such payment be made by notarial deed. The debtor does not lose any benefit if he default in part, but the court, at the instance of the mortgagee, will order the sale of the property to pay the balance that may be due to him.

FORECLOSURES.

Mortgages are foreclosed by action at law. The mortgagee is never recognized as the owner of the property, which continues to be held in the debtor's name. It must be sold through the court to the highest bidder.

Law charges are, in Malta, moderate, but no fixed amount can be stated.

CANCELLATIONS.

On payment in full settlement the debtor may ask his creditor to give a receipt by notarial deed. If the creditor refuses, the debtor may obtain judgment declaring the debt extinct. On presentation of the said deed or judgment the registrar of the public registry office cancels the mortgage by stating against original record the extinction of the same.

The law of Malta on mortgages or hypothecations is contained in ordinance No. VIII, of 1868, entitled: "To amend and consolidate the laws concerning the rights relative to things, and the different modes of acquiring and transmitting such rights."

JOHN WORTHINGTON,
Consul.

UNITED STATES CONSULATE,
Malta, June 15, 1889.

CONTINENT OF AMERICA.

BRITISH NORTH AMERICA.

BRITISH COLUMBIA.

REPORT BY CONSUL STEVENS, OF VICTORIA.

RECORDED INDEBTEDNESS.

The statutes of British Columbia, consolidated acts, 1888, in chapter 67, provide very fully for the registration of all titles to land, and in chapters 7 and 8 for the registration of bills of sale and powers of attorney. Paragraph 3, chapter 67, provides for the establishment in Victoria of an office for the record of instruments and the registration of titles affecting real estate, styled the land registry office, and mortgages, liens, and judgments are there recorded. A bill of sale is void unless recorded within twenty-one days after making.

It is not possible to give the probable ratio mortgages and judgments bear to total valuation of taxable and assessed property.

The registration of mortgages is optional. Naturally, parties in interest would register. The fee for registry by title is only 50 cents. Registration is not compulsory.

The evidence is conflicting as to whether recorded indebtedness is increasing or diminishing in proportion to estimated values. Recorded indebtedness is probably increasing with the general increase of business.

UNRECORDED INDEBTEDNESS.

It is possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness by obtaining from the registrar the sum of recorded indebtedness, which would involve necessary payment of fees. This sum ascertained, an estimate of the unrecorded indebtedness might be approximately assumed.

LIENS.

Liens are placed on personal property, including crops, etc., and are subject to execution. The exemption under the homestead act, chapter 57, statutes British Columbia, consolidated acts 1888, protects the homestead if, at the time of suing out of any process at law or in equity, it be of a value not greater than \$2,500. Should it be of greater value, then so much only of such homestead as exceeds the value of \$2,500 shall be liable to seizure in process at law. Further, when a party gives a preferred mortgage or bill of sale over other creditors it is invalid if said other creditors oppose within

three months from date of record. Parties not having homestead are entitled to exemption in the sum of \$500 for tools of trade, household or personal effects, or the like. There are no other exemptions that I can ascertain, such as would be pertinent to the question.

INTEREST.

The legal rate of interest is 6 per cent. per annum; also any rate agreed upon. If not specified, 6 per cent. only can be collected. The prevailing rate of interest on mortgage paper averages from 7 to 12 per cent. per annum, and is sometimes even higher. The rate of interest on judgments is fixed, *i. e.*, at the legal rate, 6 per cent.

FORECLOSURES.

If terms can not be agreed upon between the parties to the mortgage, it is foreclosed by process of law. The expense involved is the fee for registration, which will be according to the money amount involved. Registration of any absolute fee, \$1; and one-fifth of 1 per cent. on the value up to \$5,000, and one-tenth of 1 per cent. on whatever additional value there may be.

PARTIAL PAYMENTS.

Partial payments should be registered, but ordinarily are not. Partial payments are recorded most generally only upon the documents they affect. Sometimes they are registered. The debtor does not suffer by default in part.

CANCELLATIONS.

The ordinary form for canceling is by formal receipt inscribed upon the document of which the payment is in full or in part. The payment should also be recorded at the office of the registrar-general.

ROBERT J. STEVENS,
Consul.

UNITED STATES CONSULATE,
Victoria, B. C., June 21, 1889.

MANITOBA.

REPORT BY CONSUL TAYLOR, OF WINNIPEG.

RECORDED INDEBTEDNESS.

The two courts of the province of Manitoba in which actions for debt lie are the court of queen's bench and the county court. The court of queen's bench is a court of record of original and appellate jurisdiction, possessing all the powers and authorities which, by the laws of England, are incident to a superior court of record of civil and criminal jurisdiction, and exercising the same as fully as they were exercised on July 15, 1870 (the date of the organization of Manitoba as a province of the Dominion of Canada), by any of Her Britannic Majesty's superior courts of law at Westminster, or by the court

of chancery at Lincoln's Inn, or by the court of probate, or any court in England having cognizance of property and civil rights and of crimes and offenses.

The county courts, which are distributed over the province, possess a limited jurisdiction, including all personal actions of tort where the damages claimable do not exceed \$250, and actions of replevin where the value of the goods to be replevied does not exceed \$250, and all personal actions for claims and demands of debt, account, or breach of contract or covenant, or money demand, whether payable in money or otherwise, where the amount or balance payable does not exceed \$250 and the unsettled account forming the subject matter to be investigated does not in the whole exceed \$400. Certified entries from the procedure books of the county courts are prima facie evidence in all courts as to what they state.

Immediately upon any judgment being entered in the court of queen's bench a certificate or certificates of such judgment in such form as the prothonotary shall prescribe and signed by him under the seal of the court may be recorded in any and all the registry offices for the registration divisions of the province; and from the time of recording the same the said judgment shall bind and form a lien and charge on all the estate and interest of the judgment debtor in the lands in the several registration divisions in the registry offices of which such certificate is recorded the same as though charged by the judgment debtor in writing under his hand and seal. For lands exempted from the operation of certificates of judgment see list of exemptions in answer to second question. All such judgments will cease to be a lien upon the land unless re-registered within two years.

Every decree or order of the court of queen's bench on its equity side ordering money, costs, charges, or expenses to be paid, by installments or otherwise, to any person, or to be paid into court, or to the credit of any cause in court, or otherwise, may be registered in any and all the registry offices for the registration divisions of the province, on the certificate of the registrar, signed by him under the seal of the court, stating the title of the cause or matter in which the decree or order has been made, the date thereof, and the amount of money thereby, or by any report made in pursuance thereof, ordered to be paid, and shall, when registered, have the same effect as a registered judgment. All such decrees and orders must be re-registered within two years, otherwise they will cease to be a lien. For exemptions see answer to second question.

All the above certificates, both at law and in equity, may be registered in the land titles office, and such registration shall have the same effect with regard to lands which have been or may be brought under the operation of the real property act as the registration of such certificates has when registered in a county registry office as to lands situate in such county. For exemptions see answer to second question.

Any party who has obtained a judgment in any county court exceeding \$100 may obtain a certificate from the clerk of court according to a statutory

form, and may register the same in any county registry office, where it shall have the same effect as a judgment of the court of queen's bench so registered. In two years after registration it will cease to be a lien upon the lands unless re-registered within that period. For exemptions see answer to second question.

The delivery of a writ of attachment from the queen's bench court to the sheriff has not the effect of binding the lands or any interest in the lands of the person against whom it is issued, but a certificate of the prothonotary of the issuing of such a writ may be registered in any registry office or in any land titles office, and when registered shall bind the interest of the person against whom the writ is issued in all lands situate in the registration division or land titles division in which such certificate is so registered. This provision does not affect the interest of a mortgagee in the lands. There is no provision for registering certificates of the issue of a writ of attachment from any county court.

For the purpose of enforcing payment in the queen's bench of any money or of any costs, charges, or expenses payable by any decree or order in equity, or any rule or order of a court or of a judge at law, the person to receive payment, or, in the case of the payment of money into court, the person having the carriage of the decree or order, shall be deemed the plaintiff, and shall be entitled to writs of *feri facias de bonis* and *venditioni exponas*, respectively, against the goods of the person whose duty it is to pay the money; and the said decrees and orders in equity, and the rules and orders at law, whether of a court or of a judge, shall constitute a judgment, and upon them writs of execution may issue. Every writ of execution against goods and chattels, at and from the time of its delivery to the sheriff, binds all the goods and chattels, or any interest in all the goods and chattels of the debtor within the sheriff's district, and takes priority to any chattel mortgage, bill of sale, or assignment for the benefit of all or any of the creditors of the judgment debtor executed by him after the receipt by the sheriff of such writ of execution. Writs of execution against lands were abolished on the 1st of April last, except as to such writs as had been issued previous to that date. The latter, like executions against goods, remain in force for two years, and will then lapse unless renewed in the statutory way. As it is usual to search the sheriff's records for executions against goods in many cases where credit is asked, they may, perhaps, be included among the systems of recorded indebtedness.

Unless he shall have agreed to the contrary, every mechanic, machinist, builder, miner, laborer, or other person doing work upon or furnishing materials to be used in the construction, alteration, or repair of any building, erection, or erecting, furnishing, or placing machinery of any kind in or upon, or in connection with, any building, erection, or mine, shall, by virtue of being so employed or furnishing, have a lien or charge for the price of such work, machinery, or materials upon such building, erection, or mine, and the lands occupied thereby, or connected therewith, and limited in amount to such

sum as shall be justly due to the person entitled to such lien; provided, that no such lien shall exist under the act for any claim under the sum of \$20. The lien shall be limited to the estate or interest in such lands, building, or erection of the owner at whose instance or request, or with whose privity or consent, such work shall have been done or such machinery or materials placed or furnished. Before a lien shall exist a statement of claim must be filed in the registry office for the registration division in which the land in question is situated before or during the progress of the work or within thirty days from its completion or from the supplying or placing of the machinery referred to. When the lien is so registered the person registering it is deemed a purchaser *pro tanto*, but it is not necessary that the registrar should register the lien, claim, or statement, and it will be sufficient if he enter it in the abstract book of the lands affected, and it may be discharged by the registrar on receiving an order to that effect from the person entitled to the lien. Every such lien absolutely ceases to exist within ninety days after the work, etc., has been completed, unless in the meantime proceedings shall have been instituted to realize it under the provisions of the mechanics' liens act and a certificate of *lis pendens* thereof shall have been registered in the proper registry office. In case the land upon or in respect of which the work is done or materials or machinery are placed is encumbered by a mortgage or other charge existing or created before the commencement of the work or placing of the materials or machinery upon the land, such mortgage or other charge shall not have priority over a lien to any greater extent than the actual value of such land was at the time the improvements were commenced.

Under the registry act any instrument in anywise affecting lands either in law or equity may be registered, and the registration of the same is notice to all parties, who, if they deal with the lands, will do so subject to the same.

It is not necessary under the registry act to register mortgages, but it is advisable to do so. Every mortgage or other instrument enumerated in the registry act affecting any lands in the province, whether there has been a grant from the Crown of such lands or not, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, without actual notice, unless such instrument is registered in the manner required by the statute before the registering of the instrument under which the subsequent purchaser or mortgagee may claim.

Under the real property act any mortgage created by any party rightfully in possession of lands prior to the issue of the certificate of title may be filed in the office of the district registrar, who shall indorse upon the certificate of title and duplicate thereof a memorandum of such encumbrances, and when so entered and indorsed the said mortgage or encumbrance shall be as fully valid as if made subsequent to the issue of the certificate of title. Mortgages under this system have effect as security, but do not operate as transfers of the land charged. The real property act of Manitoba is what is commonly called the Torrens system of land transfer.

Chattel mortgages need not be registered, but every mortgage or conveyance intended to operate as a mortgage of goods and chattels which is not accompanied by an immediate delivery and followed by an actual and continued change of possession of the things mortgaged, or a true copy thereof, may be filed with the clerk of the county court in the judicial division where the goods concerned are situated; and such mortgage or conveyance shall operate and take effect upon, from, and after the day and time of filing, and not before, as against execution creditors of the mortgageor and as against purchasers or mortgagees in good faith and for valuable consideration. In case of an agreement for future advances for the purpose of enabling the borrower to enter into and carry on business with such advances, the time of repayment thereof not being longer than two years from the making of the agreement, and in case of a mortgage of goods and chattels for securing the mortgagee repayment of such advances, or in case of a mortgage of goods and chattels for securing the mortgagee against the indorsement of any bills or promissory notes or any other liability by him incurred for the mortgageor not extending for a longer period than two years from the date of such mortgage, and in case the mortgage is executed in good faith, and complies with the statutory formalities, and is filed with the clerk as required in the case of the other chattel mortgages, the same shall be valid and binding. A chattel mortgage ceases to be valid against creditors of the maker and subsequent purchasers or mortgagees in good faith and for valuable consideration after the expiration of two years from the filing thereof, unless within thirty days next preceding the expiration of two years a true copy of the mortgage and a statement of the amount still due, etc., is again filed with the clerk accompanied by specified affidavits.

No computation has ever been made in Manitoba as to the probable ratio which mortgages bear to total valuation of taxable and assessed values. Mortgages do not complicate the transfer of land titles.

Recorded indebtedness is diminishing very rapidly. Following upon the collapse of the boom in Manitoba of 1882 there was an immense bulk of recorded indebtedness. Nearly all of it arose out of land transactions. The judgments were, in most cases, obtained in actions on contracts to purchase lands and personal covenants in mortgages. There has been, for the last five years, very little purchasing of land on margin, and all transactions are characterized by much greater caution than before. As a result, there is much less litigation and but little recorded indebtedness.

UNRECORDED INDEBTEDNESS. •

The recorded indebtedness could be figured out, but has never been computed. The unrecorded indebtedness could not be arrived at.

LIENS.

Preferential assignments and confessions of judgment are good as between the parties, but, with one exception, void as against creditors, and can be set

aside by bill in equity or on an interpleader issue when the sheriff makes application. The statute provides that every gift, conveyance, assignment, or transfer, delivery over, or payment of any goods, chattels, or effects, or of any bills, bonds, notes, securities, or of any shares, dividends, premiums; or bonus in any bank, company, or corporation, or of any other property, real or personal, made by any person at a time when he is in insolvent circumstances, or is unable to pay his debts in full, or knows that he is on the eve of insolvency, with intent to defeat, delay, or prejudice his creditors, or to give to any one or more of them a preference over his other creditors, or over any one or more of them, or which has such effect, shall as against them be utterly void. Similarly, in case any person, being at the time in insolvent circumstances, or unable to pay his debts in full, or knowing himself to be, or in fact being, on the eve of insolvency, voluntarily or by collusion with a creditor or creditors, gives a confession of judgment, cognovit, actionem, or warrant of attorney to confess judgment, to hinder, defeat, or delay his creditors, wholly or in part, or with the intent to thereby give one or more of the creditors of such person a preference or priority over his other creditors, or over any one or more of such creditors, every such confession, cognovit, actionem, or warrant of attorney to confess judgment shall be deemed and taken to be null and void against other creditors of the person giving the same, and shall be invalid and ineffectual to support any judgment or writ of execution. The validity of confessions of judgment, etc., is tested in the same way as the validity of preferential assignments. Strange to say, the *relicta verificatione* is not included in the list of judgments which may be declared fraudulent and void under the statute, and the court of queen's bench is now testing the question whether it can, like the rest, be set aside. A judgment obtained in the ordinary way is valid, even though the defendant is insolvent at the time. The first and second clauses of the act against fraudulent deeds, alienations, etc. (13 Elizabeth), are in force in Manitoba, with the interpreting provision that they shall apply to all instruments executed to the end, purpose, and intent in the said clauses set forth, notwithstanding that the same may be executed upon a valuable consideration and with intention as between the parties to the same of actually transferring to, and for the benefit of, the transferee the interest expressed to be thereby transferred, unless the same be protected under the sixth clause of the said act by reason of bona fides and want of notice or knowledge on the part of the purchaser.

Personal property is subject to execution of judgment; but the following personal estate is free from seizure by virtue of all writs of execution issued by any court in the province, and no proceeding in equity shall be taken against the following real estate under any certificate of judgment or attachment:

(1) The bed and bedding in the common use of the judgment debtor and his family, and also his household furniture and effects, not exceeding in value the sum of \$500.

(2) The necessary and ordinary clothing of the judgment debtor and his family.

(3) Twelve volumes of books, the books of a professional man, one axe or saw, one gun, six traps, the nets and seines used by the judgment debtor.

(4) The necessary food for the judgment debtor and his family during sixty days ; provided, however, that such exemption shall only apply to such food and provisions as may be in his possession at the time of seizure.

(5) Two cows, three oxen or three horses or mules, four sheep, two pigs, twelve fowls and the fodb for the same for sixty days; provided, however, that such exemption as to horses shall apply only in case they are used by the judgment debtor in earning his living.

(6) The tools, agricultural implements, and the necessities used by the judgment debtor in the practice of his trade, profession, or occupation to the value of \$500.

(7) The articles and furniture necessary to the performance of religious services.

(8) The land upon which the defendant or his family actually resides, or which he cultivates either wholly or in part, or which he actually uses for grazing or other purposes, provided the same be not more than 160 acres ; in case it be more the surplus may be sold subject to any lien or encumbrance thereon.

(9) The house, stables, barns, and fences on the judgment debtor's farm, subject, however, as aforesaid.

(10) All the necessary seeds of various varieties or roots for the proper seeding and cultivation of 30 acres.

(11) The actual residence or home of any person other than a farmer in any city, town, or municipality, provided the same does not exceed the value of \$1,500; and if the same does exceed the value of \$1,500, then, before such residence or home shall be sold, the sum of \$1,500 shall be paid to or secured to the person whose residence or home is so to be sold, which said sum or the security therefor, or any security in which the same may be thereafter invested, shall be exempt from seizure under execution, garnished, or attached for debt.

(12) Any debt due or accruing due to a mechanic, laborer or servant, clerk or employé for wages or salary shall be exempt from seizure or attachment under process issued either out of the court of queen's bench or out of any of the county courts to the extent of the sum of \$25. In case, at the time the process takes effect upon the garnishee, there is less than one month's salary or wages due to such mechanic, workman, laborer or servant, clerk or employé, the extent of the exemption shall be at the rate of \$25 per month for the time such salary or wages is due or accruing due.

The law does not exempt from seizure or protect from proceedings in equity any real or personal estate mentioned in subsections 1, 3, 5, 6, 7, 8, 9, 10, and 11 the purchase price of which is the subject of the judgment proceeded upon, either by way of execution or certificate of judgment or

attachment. Crops are not exempt, but no sale of any growing crop (whether grain or roots) shall take place until after the same has been harvested or taken and removed from the ground.

INTEREST.

The prevailing rate of interest on mortgage paper is 8 per cent., and on judgments 6 per cent.

FORECLOSURES.

Mortgages are foreclosed by bill in equity. Instead of foreclosure, the bill in any mortgage suit may pray a sale of the mortgaged premises, and any balance of the mortgaged debt remaining due after such sale may be paid by the mortgageor, and the same may be decreed accordingly. Where a suit has been instituted for the foreclosure of the equity of redemption in any mortgaged property for default in the payment of interest or of an installment of the principal a defendant may move to dismiss the bill upon paying into court the amount then due for principal, interest, and costs. A defendant may move to stay the proceedings in a suit after decree, but before sale or final foreclosure, upon paying into court the amount due for principal, interest, and costs. Even after a final order has been obtained the mortgageor may apply to set it aside and be let in to redeem, but it seems this relief can only be granted when the order has been obtained by actual, positive fraud or under circumstances of oppression.

Mortgages are not foreclosed by sale under power, but on default the mortgagee may enter into possession of the lands, receive rents, make leases, and sell and absolutely dispose of them by public auction or private contract, or partly by each. It is usual under the power first to offer the lands for sale by public auction and afterwards by private sale. The ordinary costs of a foreclosure suit are about \$100 in cases of decrees obtained upon præcipe. If for any reason decrees have to be moved for in court or encumbrances have to be brought into the master's office in order that they, too, may be foreclosed, the costs may increase to a much greater amount. The costs of an ordinary simple sale under power range from \$50 to \$75.

Under the real property act (Torrens system) a separate procedure is furnished for sales under power and foreclosure. The sale proceedings are very similar to those under the statute, and to obtain foreclosure it is not necessary to file a bill. On the mortgagee showing that he has put the property up for sale under his power, that the sale proved abortive or the bid was too low, and that he has given the required notices of his intention to foreclose, etc., the registrar-general will then, on application, advertise the land for private sale for one month, and if it is not purchased at a proper sum within that time he may issue to the applicant an order of foreclosure.

PARTIAL PAYMENTS.

Partial payments of mortgages need not be recorded, but in case the mortgagee or any assignee of the mortgagee desires to release or discharge

part only of the lands contained in the mortgage, or to release or discharge only part of the money specified in the mortgage, he may do so by deed or by a certificate to be made, executed, proven, and registered in the same manner as in cases where the whole lands and mortgage are wholly released and discharged.

The debtor does not lose all benefit if he defaults in part. When a suit has been instituted for the foreclosure of the equity of redemption in any mortgaged property for default in the payment of interest or of an installment of the principal a defendant may move to dismiss the bill upon paying into court the amount then due for principal, interest, and costs. It has been held by Chancellor Sprague that even though there be an express stipulation in the mortgage that in default of payment of any installment the whole mortgage money shall become payable, that the mortgageor may, nevertheless, after default, claim the benefit of the above order.

CANCELLATIONS.

The following is the ordinary form of discharge of mortgage :

To the registrar of the county of ——— :

I, ———, of the ———, do certify that ——— hath satisfied all money due or to grow due on a certain mortgage made by ———, of ———, to ———, which mortgage bears date the ——— day of ———, 18—, and was registered in the registry office for the county of ———, on ——— day of ———, 18—, at — minutes past — o'clock of the noon, in liber —, at No. —, and that I am the person entitled by law to receive the money, and that such mortgage is therefore discharged.

Witness my hand this ——— day of ———, 18—.

[One witness.]

JAMES W. TAYLOR,
Consul.

UNITED STATES CONSULATE,
Winnipeg, June 5, 1889.

PROVINCE OF NEW BRUNSWICK.

REPORT BY CONSUL PATCH, OF ST. STEPHEN.

RECORDED INDEBTEDNESS.

The system is nearly the same as is generally adopted in the United States. In every county in the province there is one public office, called the registry of deeds and wills, where all conveyances, memorials of judgment, or other instruments by which any lands situate in the county may be affected in law or equity, except any lease for a term not exceeding three years, shall be registered at full length, and if not so registered shall be fraudulent and void against subsequent purchasers for valuable consideration whose conveyances are previously registered. Before the registry of any conveyance the execution of the same shall be either acknowledged by the person executing the same or be proved by the oath of a subscribing witness in the manner following: If

the execution of such conveyance be acknowledged in this province, then such acknowledgment may be taken before a judge of the supreme or any county court, or a member of the executive or legislative council, or before any registrar or deputy registrar of deeds, or any notary public appointed and resident in the province and certified under his hand and official seal, or before any justice of the peace of the county in which the conveyance is to be registered. If the execution of such conveyance be proved in the province, such proof may be taken by and before any of the hereinbefore mentioned officials, except a justice of the peace, provided, always, that in cases when the subscribing witness or witnesses to any such conveyance is dead or without the province, then the execution thereof may be proved before the supreme court or some circuit or county court by the ordinary legal proof. If such acknowledgment or proof be taken out of the province, the same shall be taken by or before some one of the officials following: Any commissioner for taking affidavits and oaths appointed by the lieutenant-governor, or before any notary public certified under his hand and seal, or before any British minister, ambassador, consul, vice-consul, acting consul, proconsul, or consular agent of Her Majesty exercising his functions in any foreign place. If the conveyance be by a corporation, proof of the corporate seal shall in all cases be sufficient.

Chattel mortgages are to be acknowledged or proven in like manner, and must be filed with the registrar of the county where the maker resides.

All mortgages must be recorded, except as between the original parties.

The best opinion is that recorded indebtedness is slightly increasing.

LIENS.

No liens are placed on personal property. All personal property is subject to execution of judgment, except \$100 worth of wearing apparel, furniture, and tools of trade. . Where, however, goods liable to distress for rent shall be taken on any execution and arrears not exceeding one year shall not be paid, the officer, from the proceeds of said goods when sold, shall pay said rent.

INTEREST.

The legal rate is 6 per cent. There are no usury laws, and any other rate may be agreed upon.

Mortgages do not complicate or embarrass the transfer of land titles.

FORECLOSURES.

Mortgages are generally foreclosed by sale under power, the ordinary expense being about \$25. In case the foreclosure is by suit in equity, the expense would be more—probably from \$100 to \$200.

PARTIAL PAYMENTS.

No provisions are made for recording partial payments. They are generally indorsed on mortgage note or obligation, and are deducted on the final account.

CANCELLATIONS.

A registered mortgage is canceled by a certificate of the satisfaction of the mortgagee, his representatives or assigns, acknowledged or proven in same manner as a conveyance and recorded, with the acknowledgment or proof, in the office where the mortgage is registered, or the mortgagee may acknowledge satisfaction in the margin of the registry book against the registry of the mortgage, in presence of the registrar, who shall witness it, and from the time of said entry it shall discharge said mortgage.

WILLIS Y. PATCH,

Consul.

UNITED STATES CONSULATE,

St. Stephen, May 16, 1889.

NEW BRUNSWICK.

REPORT BY COMMERCIAL AGENT TOWNSHEND, OF WOODSTOCK.

RECORDED INDEBTEDNESS.

All conveyances, memorials of judgments, or other instruments by which any lands may be affected in law or equity, except any lease for a term not exceeding three years, shall be registered at full length in the registry office of the county where the lands lie, and if not so registered shall be fraudulent and void against subsequent purchasers for valuable consideration whose conveyances are previously registered.

There is no system of mortgage on chattel property. There is a bill of sales act instead, by which it is enacted that every bill of sale of personal chattels, either absolutely or conditionally, or subject or not subject to any trust, and whereof the assignee shall have power, either with or without notice on the execution thereof or at any time subsequent, to take possession of any property and effects comprised in or made subject to such bill of sale; and every schedule annexed thereto or therein referred to, or a true copy of such bill of sale and schedule shall be filed with the registrar of deeds and wills of the county where the maker resides (and in case a copy be filed the same shall be accompanied by an affidavit of the execution of the original bill of sale), otherwise such bill of sale, as against subsequent purchasers or any sheriff, constable, or other person levying on or seizing the property comprised in such bill of sale under process of law, shall only take effect from the time of filing thereof.

There is no lien law in my district, until after judgment first obtained either by confession or on verdict or default, except that watch-makers and jewelers have a lien on all watches, jewelry, and other articles left by any person with them to be repaired; and that landlords and innkeepers have a lien on the goods and baggage of their guests for board.

After judgment, either by verdict, confession, decree, or default, and a memorial of judgment filed, as hereinbefore mentioned, or an execution

issued, the judgment creditor will have a lien on the property of the judgment debtor, subject to any prior encumbrance.

The ratio which mortgages and judgments bear to total valuation of taxable and assessed property is probably about one to twenty.

All mortgages must be recorded, in order to protect the mortgagee against subsequent purchasers, as set out in my answer to "recorded indebtedness."

All transfers are made subject to the mortgages; otherwise mortgages do not complicate or embarrass the transfer of land titles.

Recorded indebtedness, in proportion to estimated values, is diminishing rapidly.

UNRECORDED INDEBTEDNESS.

It is scarcely possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness. The recorded indebtedness might be ascertained by searching the records of the county, but it would be impossible to get any idea of the amount or proportion of unrecorded indebtedness.

LIENS.

Liens are placed on personal property, including crops, either by preference or confession of judgment, and such property is subject to execution of judgment. The only exemptions are mentioned in my answer to recorded indebtedness, with the addition that the landlord can distrain on any such property for rent.

INTEREST.

The mortgagee can charge any rate that he and the mortgageor agree on. Any per cent. is lawful, but the prevailing rate is 8 per cent. The law fixes the rate of interest on judgments at 6 per cent.

FORECLOSURES.

Mortgages are foreclosed by action in equity and by sale under power. The cost in equity is about \$125, and by sale under power \$25 generally.

PARTIAL PAYMENTS.

Partial payments need not be recorded, and the debtor will not lose the benefit of them if he can prove payment of them by oral testimony, receipt, or otherwise.

CANCELLATIONS.

The mortgageor or assignee of the mortgagee may go to the registry office where the mortgage is recorded and write on a blank space left for that purpose at the end of the registry of the mortgage in the margin that he has received full payment and satisfaction for the mortgage, and that the same is thereby discharged, and add date of discharge; this is witnessed by the registrar or his deputy, and constitutes a valid discharge. Or, the mortgagee or his assignee can write out a request to the registrar of the county

where the mortgage is recorded authorizing and requesting him to discharge the same. This request must be acknowledged and executed in the same way as a deed or mortgage, and also recorded at full length in the registry office in the county where the mortgaged property is situate. These are the only two forms of canceling.

W. T. TOWNSHEND,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Woodstock, June 20, 1889.

NEW BRUNSWICK.

The two preceding reports cover every thing relating to the provincial systems. The following extracts relate to local conditions as reported by the several consuls:

ST. JOHN.

[JAMES MURRAY, CONSUL.]

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is about one-third.

Mortgages and judgments complicate the transfer of land titles only so far as they, when registered, are a lien on the property. Recorded indebtedness is increasing. Recorded indebtedness can be ascertained by searching the records, but it would not be accurate, as mortgages, and more especially memorials of judgments, are often paid but not discharged on the records. It is not possible to obtain any information as to unrecorded indebtedness.

MONCTON.

[JAMES S. BENEDICT, COMMERCIAL AGENT.]

The probable ratio of mortgages and judgments to total valuation of taxable and assessed property is about 25 per cent.

Mortgages do not complicate or embarrass the transfer of land titles. All mortgages must be recorded in the office of registrar of deeds for the county in which the land is situate, to which said office any person wishing to make a search has access, when any encumbrance against such land can be seen and state of title easily ascertained. Recorded indebtedness is decreasing.

YARMOUTH.

[DEAN F. CURRIE, COMMERCIAL AGENT.]

I am led to believe that the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property would not exceed $1\frac{1}{2}$ per cent.

I am informed that recorded indebtedness has for twenty years past been steadily decreasing, so far as percentage of comparative values is concerned.

In consequence of partial payments not being recorded, and the absence of means of arriving at the amount of unrecorded indebtedness, it would be almost impossible to arrive at any proportion absolutely, or, perhaps, even approximately correct. The amount of indebtedness in commercial centers would necessarily fluctuate during the year very considerably. As a general rule, it may be stated that the amount of recorded indebtedness generally represents investments or time loans and bears a very small proportion to the floating and fluctuating indebtedness incurred in commercial operations. Mortgages do not complicate or embarrass the transfer of land titles.

NOVA SCOTIA.

REPORT BY CONSUL-GENERAL PHELAN, OF HALIFAX.

RECORDED INDEBTEDNESS.

The systems of recorded indebtedness in Nova Scotia are as follows:

- (1) Mortgage on real estate.
- (2) Judgments recorded to bind real estate.
- (3) Chattel mortgages and bills of sale of personal property.
- (4) Mechanics' liens.
- (5) Wills, when properly proved and probate taken, are recorded in the probate office of the district where probate is taken and they may also be recorded in any of the various registries of deeds in the province. The latter is done, however, for the purpose of showing title rather than creating encumbrances.

Mortgages and deeds require to be recorded in the registry of deeds for the county or district where the lands sought to be conveyed are situate in order to create a lien. Chattel mortgages and bills of sale require to be filed in the registry for the district or county wherein the maker resides, and have to be accompanied by an affidavit of the maker in the statutory form, showing the consideration on which the same was given, that it was made in good faith and not for the purpose of hindering, delaying, or defeating his creditors. A judgment, when registered, has the same effect as a mortgage. Liens upon personal property, through the medium of a judgment, are only created by the issue and delivery to the sheriff of a writ of execution.

Where a party is absent or absconding from the province of Nova Scotia and the debt has been contracted within the province a writ of attachment may be taken out, under which lands, goods, and chattels may be seized. The appraisalment and return by the sheriff to the writ of attachment may be recorded, and when recorded it has the same effect as a judgment upon the lands of the defendant situate within the county or district where it is registered.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property must be small. Competent judges say that it would not exceed 3 to 5 per cent.

All mortgages must be recorded; if not, subsequent purchaser for value or encumbrancer without notice would acquire priority. As between the immediate party or parties having notice registration is not necessary.

Recorded indebtedness in proportion to estimated values is decreasing.

UNRECORDED INDEBTEDNESS.

It would be extremely difficult to get the amount due of even recorded indebtedness, and as to the unrecorded indebtedness it is out of the question. The registrars of deeds for the various counties and districts of the province could report the number of mortgages of real and personal property and the judgments recorded within any given period; but they could not tell, and there is no reliable mode of ascertaining, to what extent these may have been discharged or reduced by payments.

LIENS.

Liens may be created on personal property, including such crops as are included in the term emblements, by preference, but not by judgment until execution issues. All personalty and crops as aforesaid are subject to execution, subject, however, to the following exemptions:

(1) The necessary wearing apparel, beds, bedding, and bedsteads of the debtor and his family.

(2) One stove and pipe therefor, one crane and its appendages, one pair of andirons, one set of cooking utensils, one pair of tongs, six knives, six forks, six plates, six tea-cups, six saucers, one shovel, one table, six chairs, one milk-jug, one tea-pot, six spoons, one spinning-wheel, and one weaving loom, if in ordinary domestic use, and ten volumes of religious books, one water bucket, one axe, one saw, and such fishing nets as are in common use, the value of such nets not to exceed \$20.

(3) All necessary fuel, meat, fish, flour, and vegetables actually provided for family use, not more than sufficient for the ordinary consumption of the debtor and his family for thirty days, and not exceeding in value the sum of \$40.

(4) One cow, two sheep, and one hog, and food therefor for thirty days.

(5) Tools and implements of, or chattels ordinarily used in, the debtor's occupation to the value of \$30.

Nothing in the aforesaid sections contained shall exempt any article enumerated in subsections 2, 3, 4, and 5 of said sections from seizure in satisfaction of a debt contracted for such identical chattel.

Section 2 of the act provides that, unless there be an express agreement in writing to the contrary, every contractor or subcontractor shall, provided he file a certain statement and agreement provided for by the act, have a lien for work and materials upon the interest of the person for whom such work and materials are supplied, upon the building erected or mine where such work is done or materials furnished, and in the land occupied thereby, but limited to the amount justly due to the person entitled to such lien.

Section 3 provides that such lien shall attach upon the legal and equitable estate of the person at whose request and upon whose credit in writing such work is done or materials supplied in such building, etc., and lands occupied thereby or engaged therewith, provided that if the lien is claimed by a subcontractor, the amount to be claimed shall be limited to the amount payable to the contractor or subcontractor, as the case may be, for whom the work has been done or materials supplied, and shall not in any case attach upon such estate and interest so as to make the same or the owner thereof liable for any greater sum than the sum payable by such owner to the contractor.

Section 6 provides that all persons furnishing materials or labor for the contractor by a written contract, and who shall have obtained the consent of the owner or person against whom the lien is claimed to such contract (such consent to be evidenced by his execution of such contract), and who shall notify the owner or such other person thereby within seven days after such material is furnished or labor performed of an unpaid account or demand against such lien-holder for such material or labor, shall be entitled to charge therefor pro rata upon any amount payable to such owner or other person under said lien; and if the owners pay the amount of such charge to the person furnishing material and doing labor as aforesaid, such payment shall be deemed a satisfaction *pro tanto* of such lien.

INTEREST.

The prevailing rate of interest on mortgage paper as well as judgments is 6 per cent. per annum.

Mortgages do not complicate or embarrass the transfer of land titles.

FORECLOSURES.

Mortgages are foreclosed generally by action at law; costs from \$70 to \$100. There is nothing to prevent a mortgagee from exercising power of sale if such power is given by the instrument. Mortgages containing power of sale are very rarely given in Nova Scotia.

PARTIAL PAYMENTS.

Partial payments depend on agreement made between the parties; the law makes no provision. Partial payments are not recorded. The debtor does not by default lose the benefit of any payment he may have made.

CANCELLATIONS.

The ordinary form for canceling mortgages is by release, to judgments by satisfaction piece or release.

M. H. PHELAN,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Halifax, May 27, 1889.

NOVA SCOTIA.

REPORT BY CONSUL YOUNG, OF WINDSOR.

RECORDED INDEBTEDNESS.

The system that prevails in this consular district and throughout the province of Nova Scotia is that of mortgages, as contradistinguished from that of trust-deeds prevailing in the District of Columbia, under which foreclosure by sale under power is more simple and far less expensive than by action at law, as in this province. Mortgages of both real and personal property may be made by the owner, but are of no effect against bona fide purchasers until recorded in the office of registrar of deeds of the county in which the property is situated. Judgments, bills of sale absolute, and decreed and confessed judgments are also recorded, the first on record having priority, irrespective of date. Decreed and confessed judgments bind real estate, but only from the time when a certificate showing the particulars of the judgment is recorded at the registry office. All deeds, mortgages, etc., are recorded in the office of the registrar of deeds and double indexed. The only other lien upon real property is the mechanics' lien.

A wide divergence of opinion exists in the estimate of intelligent persons on the probable ratio mortgages and judgments bear to total valuation of taxable and assessed property. My own conclusion is that it is from 10 to 15 per cent. of the assessed value, but not exceeding 10 per cent. of the true value of all real property.

All mortgages must be recorded. The first mortgage recorded, irrespective of date, takes precedence. Mortgages do not complicate or embarrass the transfer of land titles. Purchasers are bound to take notice of registered mortgages, and titles can only be transferred subject to such mortgages.

Recorded indebtedness, as compared with estimated values, is diminishing. It does not seem to be possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

INTEREST.

The rate of interest is 6 per cent. per annum. A few large amounts have been placed on real estate at 5 per cent., and a few of small amounts at 7 per cent. Six per cent. being the established legal rate, the interest on judgments is always computed at that rate.

LIENS.

Liens are placed on personal property, including crops, by chattel mortgages and bills of sale absolute, upon which execution can be levied, recorded in the office of registrar of deeds; also by confession of judgment, upon which an execution can be issued and levied upon the chattels. The exemptions are, a small amount of household furniture, tools, clothing, one cow, and one or two other animals, with food for them sufficient for three months.

FORECLOSURES.

Foreclosures are made by action at law only, and at an expense of from \$50 to \$100. It also involves delay, as courts sit infrequently—usually once in six months in the counties comprising this consular district.

PARTIAL PAYMENTS.

Partial payments are not usually recorded, except when a portion of the mortgaged property is released. The debtor does not lose all benefit if he default in part, and can always recover his property by paying the part that is overdue with interest and costs.

CANCELLATIONS.

The ordinary mode of cancellation is as follows:

Know all men by these presents, that I, A. B., hereby acknowledge payment and satisfaction of a certain indenture of mortgage made by C. D., to me dated on the — day of —, and registered at the registry of deeds at —, in the county of —, in book No. —, page —, and I do hereby discharge the said C. D. and the said lands and premises as in the said mortgage described and included therefrom, and from the debt thereby secured, the covenants therein contained, and the bond given collaterally therewith. Witness my hand and seal this — day of —, 188—.

EDWARD YOUNG,

Consul.

UNITED STATES CONSULATE,

Windsor, August 13, 1889.

PROVINCE OF ONTARIO.*

REPORT BY CONSUL CHILDS, OF GUELPH.

RECORDED INDEBTEDNESS.

By the registry act, chapter 114 of the revised statutes of Ontario, 1887, registry offices are regulated and created. One or more exists in every county and city in the province of Ontario. In these offices are registered subdivision plans, deeds, mortgages, wills, discharges of mortgages, and every other instrument whereby lands or real estate may be transferred, disposed of, charged, encumbered, or affected in anywise. The registrar is appointed by the lieutenant-governor of the province. His duties are to record instruments, make searches and abstracts, exhibit original instruments, make certified copies, etc. He is paid by fees. Instruments are generally executed in duplicate, and one original is delivered to and deposited with the registrar.

By an act respecting mortgages and sales of personal property, chapter 125 revised statutes of Ontario, 1887, it is provided that every mortgage of goods and chattels not accompanied by an immediate delivery and an actual and continued change of possession of the things mortgaged shall, within

*Of the eighteen reports received from the province of Ontario, the three herewith presented, viz, Guelph, Brockville, and Toronto, were selected as fully covering the range of interrogatories contained in the circular.

five days from the execution thereof, be registered, with an affidavit of a subscribing witness and an affidavit of the mortgagee stating that the mortgageor is justly and truly indebted to the mortgagee in the named sum; that it was executed in good faith and for the express purpose of securing the payment of money justly due or accruing due, and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgageor or of preventing the creditors of such mortgageor from obtaining payment of any claim against him. This affidavit slightly differs in its language in case the mortgage is to secure future advances, or an indorser, etc. A provision exists for the yearly renewing of such mortgages by filing a sworn statement by the mortgagee showing the state of the account as to payments, etc. All registrations under this act are made in the office of the clerk of the county court for the county where the goods are situate. This act does not apply to vessels.

By chapter 126, revised statutes of Ontario, 1887—an act respecting liens of mechanics and others—it is provided that—

Every mechanic, machinist, builder, miner, laborer, contractor, or other person doing work upon, or furnishing materials to be used in, the construction, alteration, or repair of any building or erection, or erecting, furnishing, or placing machinery of any kind in, upon, or in connection with any building, erection, or mine, shall, by virtue of being so employed or furnishing, have a lien for the price of the work, machinery, or materials upon the building, erection, or mine and the lands occupied thereby or enjoyed therewith, limited in amount to the sum justly due to the person entitled to the lien. The lien should attach upon the estate and interest of the owner, as defined by this act, in the building, erection, or mine upon or in respect of which the work is done or the materials or machinery placed or furnished, and the land occupied thereby or enjoyed therewith. In cases where the estate or interest charged by a lien is leasehold the fee-simple may also, with the consent of the owner thereof, be subject to said charge, provided such consent is testified by the signature of such owner upon the claim of lien at the time of the registering thereof and duly verified. In case the land upon or in respect of which any work as aforesaid is executed or labor performed, or upon which materials or machinery are placed, is encumbered by a prior mortgage or other charge, and the selling value of the land is increased by the construction, alteration, or repairs of the building, or by the erection or placing of the materials or machinery, the lien under this act shall be entitled to rank upon the increased value in priority to the mortgage or other charge. A claim of lien applicable to this case may be registered in the registry office of the registry division in which the land is situate, and shall state—

(1) The name and residence of the claimant and of the owner of the property to be charged, and of the person for whom and upon whose credit the work is done or materials or machinery furnished, and the time or period within which the same was, or was to be, done or furnished.

(2) The work done or materials or machinery furnished.

(3) The sum claimed as due or to become due.

(4) The description of the land to be charged.

(5) The date of expiry of the period of credit agreed to by the lien-holder for payment for his work, materials, or machinery, where credit has been given.

The claim may be in one of the forms given in the schedule in this act, and shall be verified by the affidavit of the claimant, or of his agent or assignee having full knowledge of the matters required to be verified, and the affidavit of an agent or assignee shall state he has such knowledge. A lien may be discharged by a receipt signed by the claimant, or his agent duly authorized in writing, acknowledging payment, and verified by affidavit and filed;

such receipt shall be numbered and entered by the registrar, like other instruments, but need not be copied in any book. The fees shall be the same as for registering a claim or lien.

By chapter 19, statutes of Ontario, 1880—an act respecting conditional sales of chattels—it is provided that—

(1) From and after the coming into force of this act receipt notes, hire receipts, and orders for chattels given by bailees of chattels, where the condition of the bailment is such that the possession of the chattel should pass without any ownership therein being acquired by the bailee until the payment of the purchase or consideration money or some stipulated part thereof, shall only be valid as against subsequent purchasers or mortgagees without notice in good faith for valuable consideration in the case of manufactured goods or chattels, which, at the time possession is given to the bailee, have the name and address of the manufacturer, bailor, or vendor of same painted, printed, stamped, or engraved thereon or otherwise plainly attached thereto, and no such bailment shall be valid as against such subsequent purchaser or mortgagee as aforesaid, unless it is evidence, in writing, signed by the bailee or his agent.

(2) Every manufacturer, bailor, or vendor shall, on application by any proposed purchaser or other interested person, within five days, furnish full information respecting the amount or balance due or unpaid on any such manufactured goods or chattels, and the terms of payment of such amount or balance, and, in case of refusal or neglect to furnish the information asked for, such manufacturer, bailor, or vendor shall be liable to a fine not exceeding \$50 on conviction before a stipendiary or police magistrate or two justices of the peace. Any person convicted under this act shall have the right to appeal to the county judge against such conviction.

(3) The person so inquiring (if by letter) shall give a name and post-office address to which a reply may be sent, and it shall be sufficient if the information aforesaid be given by registered letter deposited in the post-office within the said five days, addressed to the person inquiring at his proper post-office address, or, where a name and address is given as aforesaid, addressed to such person by the name and at the post-office so given.

(4) If any manufacturer, bailor, or vendor of such chattel or chattels, or his successor in interest, where there has been a conditional sale or promise of sale, take possession thereof for breach of condition, he shall retain the same for twenty days, and the bailee or his successor in interest may redeem the same within such period on payment of the full amount then in arrear, together with interest and the actual costs and expenses of taking possession which have been incurred.

(5) When the goods or chattels have been sold or bailed originally for a greater sum than \$30, the same, when taken possession of, as in the preceding section mentioned, shall not be sold without five days' notice of the intended sale being first given to the bailee or his successor in interest. The notice may be personally served or may, in the absence of such bailee or his successor in interest, be left at his residence or last known place of abode in Ontario, or may be sent by registered letter deposited in the post-office at least seven days before the time when the said five days will elapse, addressed to the bailee or his successor in interest at his last known post-office address in Canada. The said five days or seven days may be part of the twenty days in section 4 mentioned.

(6) Section 1 of this act shall not apply to household furniture; but pianos, organs, or other musical instruments are not included in the term "household furniture" when it appears in this section; nor shall section 1 apply to chattels where the manufacturer, bailor, or vendor, within ten days from the execution of any receipt note, hire receipt, order, or other instrument evidencing the bailment or conditional sale given to secure the purchase money, or part thereof, shall file with the clerk of the county court of the county in which the bailee or conditional purchaser resided at the time of the bailment or conditional purchase a copy of the said receipt note, hire receipt, order, or other instrument evidencing the bailment or conditional sale.

(7) The clerk of the court, on receipt of such copy, shall duly file the same and cause it to be properly entered in an index book to be kept for that purpose, and shall be entitled to charge ten cents for every such filing and five cents for every search in respect thereof. A clerical error which does not mislead, or an error in an immaterial or non-essential part of the said copy so filed, shall not invalidate the said filing or destroy the effect thereof.

(8) The manufacturer, bailor, or vendor shall leave a copy of the receipt note, hire receipt, order, or other instrument by which a lien on the chattel is retained, or which provides for a conditional sale, with the bailee or conditional vendee at the time of the execution of the instrument or within twenty days thereafter.

Judgments in this province do not form a lien on goods or lands. Executions, however, issued upon judgments do operate as soon as placed in the sheriff's hands as a lien or charge upon goods and lands of the execution debtor in the sheriff's district. Executions may be issued on a judgment to any and every sheriff in the province.

It is difficult to answer the question regarding the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property.

After consultation with the registrar of this county I may venture to say that the probable proportion mortgages bear to total valuation of taxable and assessed property is at least 50 per cent. Judgments and executions bear a nominal proportion only.

Recording is not essential to the validity of mortgages as between the original parties, but it is advisable in order to preserve and secure priority. The general rule is that unregistered instruments are void against subsequent registered purchasers or mortgagees, etc. As a matter of practice recording is almost universal.

It is not considered that mortgages complicate or embarrass the transfer of land titles. There is no difficulty in ascertaining the amount unpaid on the mortgage on application to the mortgagee or his assignee. An original duplicate can be seen by searching the registry office for a 25-cent fee.

It is admitted that mortgages on farm property are increasing in amount without any proportionate increase in the value of the property. Other recorded indebtedness, I believe, is not increasing.

UNRECORDED INDEBTEDNESS.

It is scarcely possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness. Practically all mortgages on lands and goods are recorded, and, no doubt, when the act relating to conditional sales recently (January 1, 1889) in force is better understood, all papers pursuant to that act will be recorded.

LIENS.

Liens are placed on personal property, including crops, by way of chattel mortgage, as mentioned in my last answer, and such property so mortgaged is not subject to execution of judgment against the mortgageor. The mortgageor's interest, however, on equity of redemption is salable under an

execution. Liens can not be placed on personal property by confession of judgment. In case of a confession of judgment, and an execution issued thereon and placed in the sheriff's hands, the sheriff's duty is to at once act on the execution. It can not remain in the sheriff's hands as a standing security; it is liable to be acted on at any time by him. If it is stayed by the creditor, it is not in the sheriff's office to be executed, and becomes invalid as against a subsequent valid mortgage or other claim to the property.

The following are the exemptions from seizure under execution:

(1) The bed, bedding, and bedsteads (including a cradle) in ordinary use by the debtor and his family.

(2) The necessary and ordinary wearing apparel of the debtor and his family.

(3) One cooking-stove, with pipes and furnishings; one other heating stove with pipes, one crane and its appendages, one pair of andirons, one set of cooking utensils, one pair of tongs and shovel, one coal-scuttle, one lamp, one table, six chairs, one wash-stand with furnishings, six towels, one looking-glass, one hair-brush, one comb, one bureau, one clothes-press, one clock, one carpet, one cupboard, one broom, twelve knives, twelve forks, twelve plates, twelve tea-cups, twelve saucers, one sugar-basin, one milk-jug, one tea-pot, twelve spoons, two pails, one wash-tub, one scrubbing-brush, one blacking-brush, one wash-board, three smoothing-irons, all spinning-wheels and weaving-looms in domestic use, one sewing-machine and attachments in domestic use, thirty volumes of books, one axe, one saw, one gun, six traps, and such fishing nets and seines as are in common use; the articles in this subdivision enumerated not exceeding in value the sum of \$150.

(4) All necessary fuel, meat, fish, flour, and vegetables actually provided for family use, not more than sufficient for the ordinary consumption of the debtor and his family for thirty days, and not exceeding in value the sum of \$40.

(5) One cow, six sheep, four hogs, and twelve hens, in all not exceeding the value of \$75, and food therefor for thirty days, and one dog.

(6) Tools and implements of, or chattels ordinarily used in, the debtor's occupation to the value of \$100.

(7) Bees reared and kept in hives to the extent of fifteen hives.

INTEREST.

Judgments bear 6 per cent. interest after recovery. Interest on mortgage paper depends on the class of property encumbered and its value. Any rate of interest that is agreed to is legal. Improved farm mortgages, $5\frac{1}{2}$ to 7 per cent.; business blocks the same; dwellings, say, 6 to 8 per cent.

FORECLOSURES.

Mortgages are foreclosed both by action at law and by sale under power. The expense of a foreclosure or sale under power in an ordinary case is in the neighborhood of \$75. This amount would be increased where the sub-

sequent encumbrances are numerous or where infants are concerned. A sale under power is a more speedy remedy than a foreclosure; by the latter process the debtor has six months to redeem.

PARTIAL PAYMENTS.

Provisions are made in the statutes I have quoted above for recording partial payments on land and chattel mortgages by the registration in the proper offices where the original papers are registered of a certificate from time to time showing payments on mortgages. No provision exists for recording payments on judgments, executions, or other obligations. The debtor does not lose all benefit if he defaults in part.

CANCELLATIONS.

The ordinary form for canceling recorded indebtedness is by filing in the office where the mortgages or other security are recorded a certificate signed by the mortgagee, his assignee, or any other person entitled by law to receive the money, setting forth that a part or all the money owing has been paid, or that a part or all the land or goods have been released.

JAMES U. CHILDS,

Consul.

UNITED STATES CONSULATE,
Guelph, May 30, 1889.

ONTARIO.

REPORT BY CONSUL BRIDGES, OF BROCKVILLE.

RECORDED INDEBTEDNESS.

You will understand that the several provinces which make up the Dominion of Canada have had, by the Canadian constitution act, assigned to them severally an enumerated class of powers; the one which especially affects the several answers below is the one giving each province the exclusive right and power to deal with "property and civil rights" within the province.

As to mortgages on real estate, there is, throughout the whole province of Ontario, in each county a registry office where the title of the Crown down to the present owner of each parcel or lot of land is recorded and registered; and, should the owner of such parcel, lot, or parcels mortgage or encumber the same, the instrument creating such encumbrance, if by instrument, deed, or mortgage, is duly deposited and registered in the registry office for the county in which the lands are situate, after the due execution of each instrument, deed, or mortgage, by the several parties to it, and is generally so registered by the mortgagee or his solicitor at the expense of the mortgageor or party creating the encumbrance. It then becomes, and not till then, an encumbrance or lien upon the lands affected thereby with knowledge to the world. Any and all persons, whether citizens or not, have

the full and free right to examine and inspect any and every title or instrument thus deposited and registered in any of the public offices throughout the province upon tender of the proper statutory fees to the proper officer in charge. Until such instruments creating the lien, charge, or encumbrance on real estate are registered in accordance with the registry act as above described, they are only held to be equitable liens as between the parties, subject to be defeated by a subsequent instrument, deed, or mortgage executed by such an owner or mortgageor to a third party for valuable consideration and without notice, when such instrument, if properly registered, will cut out any prior mortgagee who may not have properly complied with the above registry act.

Chattel mortgages, if executed, must comply with all the legal and technical requirements of the statute law in order to render the same valid as against creditors and subsequent purchasers.

Bills of sale or chattel mortgages affecting personal property in the province must be made in good faith between the parties for valuable consideration and not for the purpose of defeating, defrauding, or delaying creditors, or be made with a view of creating a preference of one creditor over another, or be tainted with fraud in any way which would have the effect of rendering them void. These instruments must be in writing and signed and executed by the parties to it, and must be filed in the office of the clerk of the county court of the county (or union of counties) in which the goods or property mortgaged or sold are situate within five days from the date of its execution, otherwise it would be invalid. The law of the province only requires such transfers of personal property to be made by bill of sale or chattel mortgage where there is not "an actual and continued change of possession" of the goods or other property intended to be sold or mortgaged.

Liens do not bind after the statutory limitation (such as mechanics' liens) has expired, unless the lien is filed within the period of limitation fixed by the statute in the registry office for the county in which the lands or buildings thereon lie.

The common law rule with reference to pledges and liens on personal property exists in this province.

Judgments, whether decreed by the courts or confessed in or out of court by the debtor, have the same legal effect as a matter of record in whatever court the action or suit may be instituted throughout the province. Such judgments do not bind lands until the certificate thereof containing a description of the lands intended to be charged be duly registered in the registry office for the county in which the lands are situate. Upon a judgment recovered in any of the courts (except the division court, which is a court of very limited jurisdiction) a writ of execution against lands may be issued out of the court where the judgment is entered, and directed to, and be filed with, the sheriff of any county in the province where the lands of the debtor lie, and such lands of the debtor will be bound from the date of the delivery and filing of such writ with such sheriff.

A writ to be kept alive must be renewed each year on the day prior to its expiration. The several division courts throughout the province (commonly called the poor man's court by reason of its limited jurisdiction) can not in any way make a decree so as to affect or charge lands; but, if a judgment be recovered in that court for a sum not less than \$40 and upwards, a transcript of such judgment may be issued and filed with the clerk of the county court of any county where the debtor's lands are, when it then becomes, by statute, a judgment of that court, and a writ of execution against the debtor's lands may thereupon issue to the sheriff of any county throughout the province, and when filed with the sheriff has the effect of charging the lands as above mentioned.

There exists no other system of recorded indebtedness in this province to my knowledge, except taxes.

As to the probable ratio which mortgages and judgments bear to total valuation of taxable, and assessed property, there are no record, returns, or statistics from which I can gather the required information. As to the latter part of the question, I have found that the total value of taxable and assessed property in the town of Brockville is \$3,469,453, and of the united counties of Leeds and Grenville is \$11,979,356.

It is not compulsory to register or record mortgages, whether on real or personal estate, but a mortgage on real estate would be required to be registered in order to become a lien or charge upon the land affected by it, and to preserve the rights of the first mortgagee from being cut out or postponed to that of a second mortgagee who might first register his mortgage. It is always to the interest of the first mortgagee to have his mortgage promptly registered, otherwise a subsequent mortgagee who might be more active would gain a preference over the first mortgagee. As to mortgages on personal estate, they are in the same position as mortgages on realty, but in order to be valid as against creditors and subsequent purchasers or mortgagees they require to be filed within five days from the date of their execution, as mentioned in my answer to question 1 as above.

The value of property in my district has not experienced much change in late years, but is on the increase if anything, owing principally to the increase of population and the healthy, industrious condition of this section of the country. People, as an average, are careful of incurring the responsibility of indebtedness, and there is plenty of money to be had on the market from 6 to 7 per cent. I do not think that recorded indebtedness is on the increase, if you take into consideration the continued change of ownership and the increase of population.

UNRECORDED INDEBTEDNESS.

It would be an endless and expensive job to endeavor to ascertain the proportion of existing recorded indebtedness, and you could not make any estimate of the unrecorded indebtedness; it could not be arrived at with any degree of safety and fairness.

LIENS.

(1) All mechanics, workmen, artificers, etc., have a lien on personal property left in their charge for the purpose of repair or to be made up, and only while the goods are in their possession. This is the common law of the province.

(2) Crops can only be charged or sold while growing by bill of sale or chattel mortgage, in the manner above described.

(3) Any judgment creditor, whether alien or citizen, has a right to issue a writ of execution against the debtor's goods, and place such writ in the hands of his bailiff or sheriff, who can then seize the same, subject to the statutory exemption, which is as follows:

The following chattels are hereby declared exempt from seizure under any writ in respect of which this province has legislative authority, issued out of any court whatever in this province, namely:

(a) The bed, bedding, and bedsteads (including a cradle) in ordinary use by the debtor and his family.

(b) The necessary and ordinary wearing apparel of the debtor and his family.

(c) One cooking stove with pipes and furnishings, one other heating stove with pipes, one crane and its appendages, one pair of andirons, one set of cooking utensils, one pair of tongs and shovel, one coal-scuttle, one lamp, one table, six chairs, one wash-stand with furnishings, six towels, one looking-glass, one hair-brush, one comb, one bureau, one clothes-press, one clock, one carpet, one cupboard, one broom, twelve knives, twelve forks, twelve plates, twelve tea-cups, twelve saucers, one sugar-basin, one milk-jug, one tea-pot, twelve spoons, two pails, one wash-tub, one scrubbing-brush, one blacking-brush, one wash-board, three smoothing-irons, all spinning-wheels and weaving looms in domestic use, one sewing-machine and attachments in domestic use, thirty volumes of books, one axe, one saw, one gun, six traps, and such fishing nets and seines as are in common use; the articles in the subdivision enumerated not exceeding in value the sum of \$150.

(d) All necessary fuel, meat, fish, flour, and vegetables actually provided for family use, not more than sufficient for the ordinary consumption of the debtor and his family for thirty days, and not exceeding in value the sum of \$40.

(e) One cow, six sheep, four hogs, and twelve hens, in all not exceeding the value of \$75, and food therefor for thirty days, and one dog.

(f) Tools and implements of, or chattels ordinarily used in, the debtor's occupation, to the value of \$100.

(g) Bees reared and kept in hives to the extent of fifteen hives.

(4) Rent due to landlords is also a lien or charge upon goods of the debtor in the house, and is a preferential lien in favor of the landlord.

INTEREST.

The legal rate of interest as fixed by statute, in Canada, is 6 per cent. per annum. The parties, by an agreement in writing made as between them-

selves, may agree upon any rate of interest. All judgments bear interest at the legal rate of 6 per cent. from the date of being signed and entered until payment.

All mortgages are existing encumbrances upon lands, and until they are properly and legally discharged the lands affected by them can be sold or assigned, but it must always be subject to such mortgages then in existence. In case of default of payment of the mortgage or interest, according to the stipulated time mentioned in it, the lands may be sold under a power of sale usually contained in the mortgage. Mortgages do certainly embarrass and hinder the transfer of lands and affect the title.

FORECLOSURES.

A mortgagee has several remedies at law under his mortgage, which are as follows:

- (1) An action of ejectment.
- (2) An action of foreclosure.
- (3) Exercise of power of sale under mortgage.
- (4) An action on the covenant in the mortgage.

The mortgagee may pursue the whole of these remedies at one and the same time, or may select any one of the remedies and may pursue it. The costs incident to such proceedings depend upon the remedy or action selected by the mortgagee. The costs of a mortgage sale generally average about \$40 or \$50. The costs of all of the other actions which must be taken in the courts are regulated by the tariff of costs of that particular court in which the action may be brought.

PARTIAL PAYMENTS.

There is no provision for the recording of partial payments on mortgages, obligations, etc., in this province, except the provision which was made at the last session of the provincial legislature, that should a mortgageor or obligor pay part of his mortgage or bond debt he might take a formal receipt from the creditor and register the same. This provision is only optional. As a general rule, when a debtor pays money to his creditor on account of a mortgage or bond he receives nothing but a written receipt for money so paid, and also sees that the amount so paid is indorsed upon the mortgage or bond and signed by the creditor; this is the only evidence of payment. If a debtor (mortgageor) should make default in payment of his mortgage money or interest as it falls due, he is at the mercy of the mortgagee, who may at any time after default, according to the terms of the mortgage, proceed with the remedy as above mentioned; but the mortgageor has the right to redeem, at any time before the sale of the lands takes place, upon payment of the mortgage debt, interest, and all costs incurred up to the time of sale. This right is called the mortgageor's equity of redemption. Should the mortgaged lands be sold and there remains a surplus realized upon the sale after paying the mortgage debt, interest, and costs, the mortgagee is bound to hand that surplus over to the mortgageor.

A mortgage, say, for \$1,000 would appear on record in the registry office. Supposing a mortgage to be for a period of five years, this mortgage might be all paid off, or nearly so, or not a cent be paid upon it, still, if there were no entries in the registry office, no one but the parties to it could tell of the exact condition of payment made or amount due on the mortgage; hence you will see the difficulty in trying to answer this question. If there was some public institution to which the parties to a mortgage, judgment, or other debt could have recourse for the purpose of recording payments, it would be a great public convenience and benefit, and enable creditors to arrive at the true condition of their estate and affairs, and prevent the perpetration of frauds upon creditors.

CANCELLATIONS.

I presume that you mean by this question what is the form for discharging or wiping out an indebtedness?

(1) If not a registered indebtedness, the ordinary form is by payment and a receipt.

(2) If a judgment, by entry of a satisfaction piece, or by filing the receipt or affidavit of the judgment creditor showing that the debt was paid in the court where the suit was begun, and if a writ of execution be in the hands of the sheriff payment must be made to the sheriff, who is to indorse upon the back of that writ his return of payment and to give a receipt to the judgment debtor if asked to do so. The sheriff also enters it in his books of record prescribed by law for that purpose.

(3) Mortgages are discharged by the mortgagee or his executors signing a certificate of discharge according to the form in the registry act, which, when delivered to the mortgageor is registered by him. This effectually discharges the mortgage and will appear upon the title. An instrument creating a lien or charge upon lands may thus be canceled or discharged in a manner similar to the certificate of discharge above mentioned, or by a formal release duly executed.

J. O. BRIDGES,
Consul.

UNITED STATES CONSULATE,
Brockville, June 15, 1889.

ONTARIO.

REPORT BY VICE-CONSUL HIRSCHFELDER, OF TORONTO.

RECORDED INDEBTEDNESS.

Recorded indebtedness is slightly increasing, owing to the diminished value of farm lands. The main reason for the farms decreasing in value in Ontario is the great emigration there has been from this province to Manitoba.

It is not absolutely necessary to record every mortgage, but it is required so as to protect against subsequent encumbrances.

According to statistics given by the president of the Canada Permanent Loan and Savings Company, the total assets of loan companies in the province of Ontario at the end of 1874 was \$14,082,380. In 1886 it amounted to \$94,072,221. Ready access to capital, the president says, has not only stimulated improvements, but has given a marketable value to property in many districts where it was before almost unsalable. During that period it appears, from the official report of the bureau of statistics for Ontario, that the assessed value for municipal taxation of real estate increased from \$325,484,116 in 1874 to \$632,140,062 in 1886. A larger proportion of this increase appears in rural districts than in cities and towns, the former showing an increase from \$206,892,278 to \$424,630,202, the latter from \$118,591,838 to \$207,509,860. The actual value of real estate is much greater than the assessed value, as appears from the same returns, which gives the value of farm property in 1886 at \$831,758,040—nearly double the assessed value. These figures do not include the value of live stock and farm implements, amounting to \$157,739,871, nor the value of crops and produce. The value of urban property is not given in the report, but the president above mentioned assumes it to be 25 per cent. more than its assessed value, or \$259,387,325, and adding thereto \$831,758,040, the value of farm lands, the total value of real estate in 1886 was \$1,091,145,365. From the official returns it appears that the mortgages held by land mortgage companies doing business in Ontario in 1886 was \$80,400,076. Of this sum \$10,000,000 was lent on lands situate in Manitoba and other provinces, so that the total interest of land mortgage companies in all the real property in this province, valued at more than \$1,000,000,000, was \$70,000,000, or $6\frac{1}{2}$ per cent. of the actual value, a sum considerably less than half the value of farm implements and live stock alone.

LIENS.

This is a legal question, but as nearly as can be ascertained liens may be and are placed upon personal property, including crops, and such property is subject to execution of judgment. According to the revised statutes of Ontario, 1887, being chapter 64, a large number of articles are enumerated that are exempt from seizure under execution. A confession of judgment given by a tenant in insolvent circumstances, or unable to pay his debts in full, or knowing himself to be on the eve of insolvency, is invalid here as against the other creditors of the party giving the same. In this province a judgment *per se* does not give the party holding it any lien upon the property of the judgment debtor. The lien is created only by the delivery to the sheriff of an execution under the judgment, and only dates from the time of the delivery to the sheriff, and this lien thus operates upon all property of the debtor not exempt under the above statute; and growing crops are subject to a writ of execution against the goods of the debtor. Other modes exist here of giving liens upon personal property that are valid as against other creditors. By statute a bill of sale or chattel mortgage given *bona fide*, and registered according to the statute, enables the holder of it to en-

force his rights thereunder against the bargainor, or mortgageor, or his creditors, in case the statute's prerequisites have been complied with and there is no express fraud or fraud implied in law by reason of the circumstances existing at the time the mortgage or bill of sale was given. Another mode exists by which a vendor of personal property can hold a lien upon personal property manufactured by him and sold for unpaid purchase money. A statute has been passed here requiring such liens as these to be recorded when the records are accessible to the public. There is always a lien in favor of parties who bestow labor upon chattels, whereby their value is enhanced so long as they retain possession of the chattels.

INTEREST.

The legal rate of interest prevailing is 6 per cent. Of course, there are lower rates than this as well as higher, according to security and whether first or second mortgages.

FORECLOSURES.

Mortgages are foreclosed by action at law and by sale under power. The expense varies; if a mortgage is foreclosed and does not exceed \$200 in value, it would be done through the county court, and the expense would be between \$50 and \$60; but if the amount of the mortgage foreclosed exceeds \$200, it has to pass through the high court of justice, and the expense would not be less than \$75 and might be as high as \$200; if by sale under power, the expense would be between \$15 and \$20.

PARTIAL PAYMENTS.

A clause is inserted in the mortgage for partial payments. Partial parts need not be recorded, neither does the debtor lose all benefit if he should default in part.

CANCELLATIONS.

The ordinary form for canceling is a form of discharge to be registered in registry office.

CHAS. A. HIRSCHFELDER,
Vice-Consul.

UNITED STATES CONSULATE,
Toronto, May 18, 1889.

ONTARIO.

The following are extracts from the "unpublished reports"—before referred to—relating to local conditions, and which could not, therefore, be covered by the foregoing general reports for the province:

BELLEVILLE.

[JOHN M. STRONG, CONSUL.]

The usual rule among lenders is to advance up to 50 per cent. of the value of improved property. Many of the farm lands throughout this district are mortgaged, but not all to that extent. The number and amount of chattel

mortgages are small compared with those upon real estate, the security being fluctuating and chiefly on small advances at short rates as collaterals. Mill owners and wholesale merchants sometimes hold chattel mortgages for large amounts against weak firms whom they supply. It would be impossible, without an extended search in the sheriff's office, to get at the ratio which judgments bear to taxable property; but it may be said that, owing to the expeditious way in which the law now winds up insolvent estates and distributes proceeds, existing judgments still unsettled bear a very small ratio to the total value of property.

Existing mortgages can be assumed by a purchaser not desiring to pay all the cash. Most mortgages provide for the payment of the money secured upon certain notice being given or payment of a certain bonus, in which events there are few complications. Mortgagees holding mortgages over five years old are obliged by statute to receive their money on certain equitable terms.

During the last three years recorded indebtedness has increased, owing to shortness of crops. Prior to that time it had diminished in proportion to value. This year, prospects being good, recorded indebtedness is again diminished, except in the case of small chattel mortgages.

CHATHAM.

[*JEROME EDDY, COMMERCIAL AGENT.*]

Mortgages and judgments in this consular district will not exceed a proportion of more than 20 per cent. to the total value of the whole real estate and 5 per cent of personal property.

Mortgages do not complicate or embarrass the transfer of land titles.

Recorded indebtedness, in proportion to estimated values, is diminishing.

CLIFTON.

[*AMOS A. BROWN, CONSUL.*]

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is 50 per cent.

Mortgages do not complicate the transfer of land titles to any extent.

Recorded indebtedness is, I think, increasing.

COLLINGWOOD.

[*HIRAM DAVIS, COMMERCIAL AGENT.*]

The ratio which mortgages and judgments bear to total valuation is certainly not more than 50 per cent. of the assessed value of real estate in this district.

Mortgages do not complicate the transfer of land titles. The purchaser buys subject to a prior mortgage, and must discharge the same according to

its terms, but can not insist upon immediate discharge unless overdue or with the consent of the mortgagee.

Recorded indebtedness is generally decreasing.

HAMILTON.

[ALBERT ROBERTS, CONSUL.]

Mortgages do not complicate or embarrass the transfer of titles beyond the duty of the purchaser to see that he is protected from all mortgages registered as required by law, or of which he has actual notice. Generally, when such charges appear against land, the purchase is made subject to the charge; but if this is not desired and the encumbrancer will not accept payment of his mortgage, the court may, on payment into court of a fund sufficient to meet the charge and interest, order a conveyance free from all encumbrances.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is about 25 per cent.

KINGSTON.

[M. H. TWITCHELL, CONSUL.]

Recorded indebtedness, in proportion to estimated values, is increasing.

Mortgages do not complicate or embarrass the transfer of land titles.

It is not possible to arrive at the probable proportion of existing recorded and unrecorded indebtedness.

PRESCOTT

[WILLIAM C. HALL, CONSUL.]

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is about 12½ per cent.

Mortgages do not, generally, complicate the transfer of land titles.

Recorded indebtedness is diminishing.

PORT SARNIA.

[J. S. FARRAR, CONSUL.]

Mortgages do not complicate the transfer of land titles.

The best opinion here is that recorded indebtedness has diminished during the past two years.

PORT STANLEY AND ST. THOMAS.

[JAMES C. QUIGGLE, CONSUL.]

From the best information I can obtain the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is about 25 to 30 per cent.

I can not see how a probable proportion of existing recorded and unrecorded indebtedness could be effected with any degree of accuracy. It would, in any event, involve a long, laborious, and expensive search.

Mortgages do not complicate or embarrass the transfer of land titles to any appreciable extent. Partial or full releases can be obtained or the purchaser takes the land subject to prior encumbrance.

Recorded indebtedness is increasing.

OTTAWA.

[THOMAS W. HOTCHKISS, CONSUL.]

Mortgages have a tendency to embarrass the transfer of land titles, as on a purchase an existing mortgage must be discharged or the land taken subject to the mortgage. It is, also, sometimes difficult to procure satisfactory proof of the discharge of mortgage where the parties have lost, omitted to register, or failed to get from the mortgagee a regular discharge.

WINDSOR.

[JOHN DEVLIN, CONSUL.]

Most mortgages are recorded, as it is necessary in order to protect the mortgagee. There is no law to compel the mortgagee to register his mortgage; mortgages may, therefore, exist without being recorded. There is no system of recording indebtedness on notes or contracts other than those affecting land or on a debt of assumpsit. For this reason it is almost impossible to arrive at the probable proportion of recorded and unrecorded indebtedness.

PRINCE EDWARD ISLAND.

REPORT BY CONSUL GEORGE, OF CHARLOTTETOWN.

RECORDED INDEBTEDNESS.

There are three systems of recorded indebtedness here, and there is also a mechanics' lien, which requires to be recorded.

There being no direct tax on either real or personal property in this province, except in cities and towns for municipal purposes, there is no valuation from which could be formed an estimate of even the probable ratio which mortgages and judgments bear to the total value.

Mortgages are good between the parties to them without registration, but bona fide subsequently acquired rights may intervene and take precedence, as where a subsequent conveyance or mortgage of real property is recorded before a prior conveyance without actual notice of such prior conveyance, and without fraud in the subsequent vendee, the subsequent conveyance takes precedence, and a judgment in the supreme court, if recovered before a prior mortgage is recorded, would precede. So, subsequent chattel mort-

gages, bills of sale, and executions may take precedence of prior unrecorded mortgages of personal property.

The prevailing rate of interest on mortgage paper, as well as judgments, is 6 per cent. per annum.

Mortgages complicate or embarrass the transfer of land titles to some extent, of course, but if property be not mortgaged over its value, an encumbrancer may be paid off. If not due, the purchaser assumes the mortgage and deducts it from purchase money. When property is mortgaged over its value it is generally necessary to sell under the mortgage to make title.

Recorded indebtedness appears to be increasing, but not very materially, during the last few years.

It is not possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

LIENS.

Liens are placed on personal property, including crops, which are treated as chattels, by chattel mortgage or bill of sale, with condition for redemption, and these conveyances require an affidavit to be indorsed thereon by the grantee to the effect that a consideration of the nature and amount therein expressed really and truly exists, and that they are not made to defeat or defraud creditors. A person contemplating insolvency may pay off in full such of his creditors as he elects, and may prefer creditors in an assignment.

The supreme court has original jurisdiction of all causes of action at law, but in case of debt no action can be brought therein for a sum less than \$32.

A judgment in this court is, from the time of its recovery, a lien on all real estate in which the defendant has an interest, and on all he may subsequently acquire, and is enforced by sale under execution from the judgment and deed made by sheriff to purchaser. The lien terminates by limitation at the end of ten years, unless re-asserted by a new minute of judgment to be filed in the office of the prothonotary of the court. The effect of judgment is the same whether obtained by suit or confessed. It is not a lien on personal property, but an execution issued thereon is from the time it comes into the sheriff's hands.

This execution may be made returnable at any time not under thirty days nor exceeding twelve months, and if not levied before return day may be renewed and the lien on the goods continued by having it re-stamped. A confessed judgment is frequently taken as a security instead of a mortgage, as it binds defendant's lands and enables the holder to take execution against his goods in case of default, which occurs when he fails to pay on the day stipulated in the confession.

County courts have jurisdiction only up to \$150, and judgment rendered by them is not a lien on any property, and real property can not be sold under it, but an execution from it binds defendant's personal property from the time of its levy.

Exemptions from supreme court executions are the necessary wearing apparel and bedding of the debtor and his family, the tools or implements of his trade, \$16 in money, and his last cow; and from county court executions the wearing apparel of himself and family, the tools or implements of his trade, one cook stove, and one cow, all not exceeding \$50 in value.

FORECLOSURES.

Mortgages are usually foreclosed by sale under power in them and at moderate expense, depending, to some extent, on circumstances. The value of the property being greater proportionally lessens percentage of auctioneer, advertising, and other items, \$50 being probably the average expense; but the mortgagee may foreclose by bringing his foreclosure bill in chancery, having decree cutting off equity of redemption unless the amount found due be paid by a fixed day, and on failure to pay title vests absolutely in mortgagee by the decree, or, in the discretion of the court, a decree for sale by the master may be had for satisfaction of debt. Expense of foreclosure through chancery is greater than under a power, depending on number of parties to suit, account, and court costs, the average expense being about \$50 to \$200.

PARTIAL PAYMENTS.

It is not necessary to record partial payments. If the debtor defaults in part, the obligation may be enforced, but he has his right to redeem on payment of balance due.

CANCELLATIONS.

The form of canceling is by a certificate, provided by statute, in which mortgagee states that mortgageor has paid all sums due, and therein directs its registration. This certificate is recorded and a memorandum cancellation is written in red ink by the registrar across the registration of the mortgage.

N. J. GEORGE,
Consul.

UNITED STATES CONSULATE,
Charlottetown, May 29, 1889.

PROVINCE OF QUEBEC.

REPORT BY COMMERCIAL AGENT MITCHELL, OF ST. HYACINTHE.

RECORDED INDEBTEDNESS.

In the sense of the common law, or as the word is generally used and understood in the United States, there is no such instrument as a mortgage known in the province of Quebec. What is spoken of as a mortgage has the legal name of hypothec, denoting various kinds of liens or encumbrances on real estate, which is invariably denominated immovables.

Hypothecs can take place only in the cases and according to the forms of law. Hypothec (or, in some cases, mortgage, so called) is a real right

upon immovables made liable for the fulfillment of an obligation, in virtue of which the creditor may cause them to be sold in the hands of whomsoever they may be. Hypothec is indivisible and subsists in entirety upon all the immovables made liable—upon each of them and every portion—extends over all subsequent improvements or increase, is merely an accessory, and subsists no longer than the claim or obligation which it secures. Hypothecs may be either legal, judicial, or conventional. Legal is that which results from the law alone, judicial results from judgments or judicial acts, and conventional from an agreement conferring a lien or right upon the immovables or realty affected.

Immovables may be hypothecated upon such terms as may be agreed upon between the parties. There are no hypothecs (or mortgages) upon chattels or movables. Liens on movables (personalty) can only be given by pledging or pawning, accompanied by actual delivery of possession and continued retention by the pledgee.

All acts, *inter vivos* and by will, conveying or affecting the ownership of an immovable must be registered at length or by memorial.

Judgments and judicial acts of the civil courts confer hypothecs on immovables from date of registration at length, or by authenticated memorial, accompanied with a notice to the register specifying and describing the particular property sought to be reached.

Registration gives effect to real rights and establishes their priority.

All legal rights subject to registration take effect from the moment of registration against non-registered or subsequent registered rights or claims, except in special cases, when delay is allowed for registration of title. Such allowed delayed registration takes effect against subsequent creditors though their claims are previously registered.

Certain rights or privileges are exempt from registration, such as law costs, seigniorial dues, funeral and last sickness expenses, servants' wages, taxes, tithes, etc.

The registration of real rights, hypothecs, etc., must be made at the registry office for the division in which the immovable affected is wholly or partly situate.

Registry offices are established at the chief place of the county or registration division, and an officer called a registrar appointed for each division.

The commissioner of Crown lands furnishes each registry office with a copy of a correct plan, showing distinctly all the lots of land of each city, town, village, parish, and township, or part thereof, comprised within such registry division, accompanied by a copy of a book of reference, in which are set forth a general description of each lot shown upon the plan, the name of the owner of each lot, so far as can be ascertained, with all remarks necessary to the right understanding of the plan; and each lot of land shown upon the plan is designated by a number, which is one of a single series for each city, town, etc., and is entered in the book of reference to designate the same lot. All conveyances and claims are made with reference to the

numbers and indexes so prepared, so that titles are easily traced and their condition readily shown.

Registration is effected by recording the deed, judgment, claim, or hypothec at length or by memorial.

Registration by memorial is effected by a summary setting forth of the substance of the original in writing, executed, attested, and proved in due form.

To entitle a deed or conventional hypothec (mortgage) of lands or immovables to record it must, if made in the Dominion of Canada, be executed in the presence of two witnesses not immediate relatives of either of the parties, and be acknowledged before a notary or other proper officer. If executed out of the Dominion of Canada, it must be executed and acknowledged according to the laws of the state or country where made, and such due execution and acknowledgment certified by a diplomatic or consular officer of Great Britain accredited to such state or country.

When a memorial is made or executed in any part of Canada, to entitle it to registration instead of the original instrument, it may be proved by the affidavit of one of the witnesses, sworn to before a judge of a court of record, justice of the peace, a notary, or a commissioner of the superior court of the province of Quebec. If the memorial is executed in a foreign state or country, the affidavit of the witness may be sworn to before any minister, or chargé d'affaires, or consul of Her Majesty in such foreign state or country.

When any memorial of a title, or hypothec, or discharge is presented for registration, the registrar is bound to indorse on such title, hypothec, or discharge the words "recorded" or "discharged," as the case may be, "by memorial," mentioning the day, hour, and time, and also the book, title, and number.

RATIO OF MORTGAGES TO TOTAL VALUATION.

I get various answers from men competent to judge in regard to the question as to the ratio of mortgages and judgments to total values. One or two say 25 per cent. Judge Tellier, of the superior court, and the registrar, who from their position should be able to judge closely, and others say not over 15 per cent. I am well satisfied that 15 per cent. is a full percentage or ratio.

The farmers in this consulate are generally free from debt, especially from mortgages or judgments, most having money in bank or on loan.

RECORD OF MORTGAGES.

All mortgages must be recorded to be secure against other claims or subsequent purchasers, but not as against the mortgageor so long as he holds the mortgaged property in his own name and otherwise unencumbered. The rule is that every conveyance or hypothec of immovables is subject to registration and holds by priority of record.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages do not necessarily complicate or embarrass the transfer of land titles. They are encumbrances easily ascertained by the records, and only

embarrass a transfer to a known and fixed extent. So far as a clear title is better than a clouded one, mortgages or hypothecs serve to hinder sales and transfers. Hypothecs or mortgages, until judgment and sale under them, do not divest the debtor or other holder, either of whom continues to possess and enjoy the property and may alienate it, subject, however, to the privilege or right of the hypothec charged upon it.

INCREASE OR DECREASE OF MORTGAGES.

Recorded indebtedness in this consulate is steadily and very appreciably diminishing in proportion to estimated values. Most notably is this true as to claims against agriculturists and farmers.

UNRECORDED INDEBTEDNESS.

To arrive at a probable proportion of existing recorded and unrecorded indebtedness may be probable, but would be exceedingly difficult. It could only be done by a careful and full examination of all the titles in the registry offices as to recorded indebtedness, and to particular inquiry of every supposed creditor and debtor and obtaining reliable answers as to unrecorded indebtedness, which would be exceedingly problematical.

The prevailing judgment of reliable business men and those most familiar with the financial condition of the country is that the unrecorded indebtedness in this consulate is not ratably very large, but exceeds the recorded indebtedness, and may be safely put, *i. e.*, guessed, at from 25 to 30 per cent. of assessed and taxable values. Unrecorded indebtedness is mostly confined to the larger towns among merchants, active business men, and manufacturers, while farming communities are comparatively free from debts of all kinds.

LIENS.

No contract liens can be placed on personal property except by pledging or pawning and actual and continued change of possession. If the pawner retains or recovers possession, the lien ceases.

Unharvested crops are not held to be personal property, but are immovables and pertain to the realty.

No agreed (conventional) or judicial preference can be made upon chattels by judgment or otherwise, except certain legal privileges, until actual delivery or seizure under execution or attachment.

All personal property is subject to seizure upon execution, unless held under certain other privileges and exemptions.

Whoever incurs a personal obligation renders liable for its fulfillment all his property, movable and immovable, present and future, except such property as is especially declared to be exempt from seizure.

The property of a debtor is the common pledge of his creditors.

Privileged rights or claims are similar to those in most of the United States, such as law costs, tithes, taxes, vendors' claims, builders' liens to extent of enhanced value or on the buildings alone, funeral expenses, limited expenses of last illness, servants' wages, etc.

In special cases, such as for fraud or attempted fraud, personal property may be seized and held by attachment to await trial and judgment and sale on execution.

No attachment or judicial lien can be placed on realty (immovables) until after judgment.

The debtor may select and keep from seizure on execution or attachment, viz, the bed, bedstead, and bedding in use by him and his family, ordinary necessary wearing apparel, two stoves and pipes, one pot-hook and accessories, one pair andirons, one pair of tongs, and one fire-shovel, all the cooking utensils, knives, forks, spoons, and crockery in use by the family, two tables, two cupboards or dressers, one lamp, one mirror, one wash-stand with toilet accessories, two trunks or valises, carpet or matting covering floors, one clock, one sofa, and twelve chairs; provided that the total value of such effects (in this paragraph mentioned) do not exceed \$50. All spinning-wheels and looms in domestic use, one axe, one saw, one gun, six traps, fishing nets, lines, and seines in common use, one tub, one washing-machine, one wringer, two pails, three flat-irons, one blacking-brush, one scrubbing-brush, one broom, fifty volumes of books, all family portraits, and all drawings or paintings executed by the debtor or members of his family for their use, one sewing-machine in the hands of tailors or milliners or any person earning a living by working for others with such machine, fuel and wood not more than sufficient for thirty days and not exceeding the value of \$30. To farmers, etc., one span of plow horses or yoke of oxen, one cow, two pigs, four sheep and their fodder for thirty days, one plow, one harrow, one working sleigh, one tumbril, one hay-cart with its wheels, and the harness necessary for farming purposes, provided that such exemptions can not be claimed by others than farmers or agriculturists who use the same exclusively for agricultural purposes. To a mechanic or workman, tools and implements or other chattels ordinarily used in his trade to the value of \$30. Bees to the extent of fifteen hives; also consecrated vessels and things used for religious worship; alimentary allowances granted by a court, except for alimentary debts; sums of money, or objects given or bequeathed on condition of exemption; sums of money or pensions given as aliment, even though not exempted in the gift; wages and salaries not yet due; boats or vessels, tackle, nets, seines, or other fishing utensils, and all provisions belonging to any fisherman and necessary for subsistence or fishing operations between the first day of May and the first day of November, except for penalties incurred under the fishing laws.

INTEREST.

Interest upon all loans, liabilities, and obligations is legal or conventional. The rate of legal interest is fixed by law at 6 per cent. per annum. The rate of conventional interest may be fixed by agreement between the parties, with the exception of certain corporations, which are limited by special statutes, and of banks, which are limited to 7 per cent. With these exceptions, there is no law limiting conventional interest. Parties to obli-

gations and mortgages (or conventional hypothecs) may agree, in the instrument, upon any rate of interest, and the obligor is bound to pay the interest agreed upon.

The prevailing rate on mortgage loans is from 6 to 8 per cent.; above that is exceptional.

Judgments bear interest upon the principal debt at the rate agreed upon by the parties to the loan or mortgage, and upon the accrued interest at the legal rate of 6 per cent, unless a greater rate is agreed upon as to interest on interest, and then at that rate, and also in cases where, in the action, such new interest is specially demanded as damages.

FORECLOSURES.

All conventional hypothecs, including those denominated mortgages, are foreclosed by hypothecary action at law, followed by seizure and sale under the execution upon the judgment in the action. The foreclosure is only by action and sale under the judgment of a court of law. If the property is held by a usufruct or any third person, or there are other claimants, they are made, with the obligor, parties to the action. The writ of execution in such cases is not necessarily, as against the debtor, limited to the mortgaged property. Powers of sale are not usual in mortgage hypothecs, and if inserted can only be availed of in executing the judgment in the action. It is difficult to answer "and at what expense."

Mortgage hypothec on which less than \$40 are due are not subjects of hypothecary action. In ordinary cases, when that amount or a not much larger sum is due, the action will entail the usual court, officers', and attorney fees and costs, to about \$30, and the officer making the seizure and sale would make and be entitled to further charges, to from \$50 to \$60.

Where the mortgage claim is for a large amount, or the case contested or complicated, the court, officers', and other fees and costs would be much larger, and the sheriff or officer making the sale, beside his fees and costs in small cases, is entitled to $2\frac{1}{2}$ per cent upon the entire proceeds of the sale.

There seems to be no fixed rule by which the amount of expenses can be determined, as in each case the expenses are controlled by the circumstances.

PARTIAL PAYMENTS.

A debtor cannot compel his creditor to receive payment of his debt in parts, even if the debt be divisible. (Code, art. 1149.)

If partial payments are made and accepted, or provided for in the obligation or hypothec, they are not necessarily matters of record; but the debtor so paying may require a partial acquittance to be recorded. Any notary who executes a total or partial acquittal of a hypothec is bound to cause the same to be registered in the proper registration division. In such case the creditor is bound to see that the discharge is registered, but he can not be compelled to grant a discharge, unless a sufficient sum is placed in his hands to pay for the registration and transmission.

The debtor does not lose the benefit of previous payments if he defaults in part.

CANCELLATIONS.

The acquittance of a debt implies a consent to its being canceled (code). If the canceling be not consented to, it may be demanded from the proper court by the debtor or other holder, or any party having an interest in the discharge, together with damages. The consent to the canceling and the acquittance or certificate of discharge may be in authentic form or under private signature. When under private signature it must be attested by two witnesses, and can not be received by the registrar unless accompanied by an affidavit of one of the witnesses, sworn to before some one of the functionaries as required for proof of instruments and memorials mentioned in answer to interrogatory No. 1. The consent to canceling and acquittance or discharge, or judgment order of court in lieu thereof, must be noted in the margin of the record of the title or hypothec, and to be available the original must remain in the registry office.

WM. T. MITCHELL,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
St. Hyacinthe, May 27, 1889.

COATICOOK.

REPORT BY CONSUL ROBERTS.

RECORDED INDEBTEDNESS.

All mortgages on real property must be recorded in full the same as deeds conveying in fee-simple. There are no chattel mortgages. Judgments may be recorded against the real property of debtors.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is about one-fourth.

All mortgages must be recorded in the office of the registrar.

Mortgages do not complicate nor embarrass transfers of land titles, as they are all registered, and the index to estates or lands, which is kept by the registrar in addition to index of names, readily shows what they are.

Recorded indebtedness, in proportion to estimated values, is diminishing.

UNRECORDED INDEBTEDNESS.

It is not possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

LIENS.

Liens are not placed on personal property. Personal property is subject to seizure on judgment, and also before judgment in case the debtor is secreting such property.

[See under "liens" in report from St. Hyacinthe for list of property exempt from seizure.]

INTEREST.

The legal rate of interest is 6 per cent. Any other rate, however, may be agreed upon by mortgageor and mortgagee. The average conventional rate is about 7 per cent.

FORECLOSURES.

All mortgages are foreclosed by action at law. The expense is usually from \$100 to \$150, which may be increased by contestation on the part of debtor or mortgageor.

PARTIAL PAYMENTS.

Partial payments made on recorded indebtedness are usually accompanied by partial discharge in writing, which may be recorded. The debtor does not necessarily lose all benefit of partial payments made by him if he defaults in part. The law requires a receipt to be given when a sum of money exceeding \$50 is paid.

CANCELLATIONS.

Mortgages are ordinarily canceled by an acquittance made before a notary public, but they may also be canceled in whole or in part by a certificate in writing addressed to the registrar of the registration division in which the mortgages are registered, giving names and descriptions of payer and payee in full, the amount paid, description or origin of title to the debt, including date of deed and of registration, requisition to the registrar to enter judgment and discharge, date and place of signature, etc. This certificate must be signed and executed before two witnesses, one of whom must make affidavit as to due execution before a notary public, justice of the peace, registrar, commissioner of the superior court, or other officer authorized to act in such capacity.

FRANK W. ROBERTS,

Consul.

UNITED STATES CONSULATE,

Coaticook, June 10, 1889.

MONTREAL

REPORT BY CONSUL-GENERAL ANDERSON.

RECORDED INDEBTEDNESS.

In each county of the province of Quebec there is a registry office, where all deeds of sale of real estate, mortgages on real estate, and judgments are recorded. The lots are numbered according to an official plan, and deeds, etc., registered against the number of the lot. There is no such thing as a chattel mortgage known in this province. There must be a regular bill of sale of the chattels accompanied by delivery to hold the property.

All mortgages must be recorded, or they may lose their value by a sale or by another mortgage of later date being recorded.

Loans are made on real property, usually on the valuation of a competent valuator's report. It is considered safe to loan from two-thirds to three-fourths of the amount of the valuation. The law requires trust estates to loan only one-half the amount properties are assessed for taxable purposes.

Mortgages do not complicate or embarrass the transfer of land titles, unless they are at a high rate of interest.

UNRECORDED INDEBTEDNESS.

All mortgages and judgments are recorded in the registrar's office of the division the property is located in, but there is no record of ordinary indebtedness, hence it is impossible to arrive at the proportion of existing recorded and unrecorded indebtedness.

LIENS.

A judgment will hold against personal property of any kind, with the exception of a few household articles, one cow, etc.

INTEREST.

The present rate of interest is 5 to 6 per cent. on mortgages. Judgments carry the legal rate of interest, 6 per cent.

FORECLOSURES.

Mortgages are foreclosed by action at law and sale under foreclosure. The expenses depend upon circumstances.

PARTIAL PAYMENTS.

There are no provisions for partial payments, unless they are specified in the mortgage or obligation itself. Although it is considered safer to have partial payments recorded, it is not absolutely necessary, as a simple receipt, stating the amount paid on a particular obligation, holds good if produced in a court of law. In case of default an action at law must be taken, judgment obtained, and the property sold by sheriff before the debtor loses all interest or benefit he may have in the property.

CANCELLATIONS.

The form for canceling is by notarial discharge, a copy of which must be deposited with the registrar of the division in which the obligation is recorded, and the discharge must be noted by the registrar on the margin of the page of the book in which the obligation is recorded.

WENDELL A. ANDERSON,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Montreal, June 11, 1889.

NEWFOUNDLAND.

REPORT BY CONSUL MOLLOY, OF ST. JOHN'S.

RECORDED INDEBTEDNESS.

The law of this colony requires mortgages on all real estate and chattels personal (in case of chattels personal only where the consideration is over \$200) to be recorded in the registry of deeds, St. John's; in case of not being recorded such mortgages are invalid against a subsequent purchaser or mortgagee for valuable consideration who shall first register his conveyance or mortgage, or against a subsequent trustee in insolvency, or against a subsequent levy by the judgment debtor. A judgment debtor can levy on real estate, and register his description of the property in the sheriff's books, and bind the estate levied upon.

I should say that recorded indebtedness is diminishing in proportion to estimated values.

Mortgages do not embarrass the transfer of land titles. We have simplified the transfer of land by declaring by statute that all lands shall be chattels real, thereby abolishing all the old technicalities attaching to real estate. They need not be recorded, but are invalid upon certain contingencies, as mentioned in answer to interrogatory No. 1.

It is impossible to estimate the ratio which mortgages and judgments bear to total valuation of taxable and assessed property. There is no statistical bureau or department in the colony, and there is no direct taxation on any property, except the assessment in St. John's for city purposes.

UNRECORDED INDEBTEDNESS.

It is not possible to arrive at even a probable proportion of existing recorded and unrecorded indebtedness. All commercial business is transacted through two stock banks—the Union and Commercial—to which large sums are sometimes owed, and which do not always record the indebtedness of their debtors. Sometimes large sums are owed these banks by the local trade, which obtains advances on the credit of vessels and property, and on the strength of supplies advanced for the fishery business of the colony. The bills of lading of fish cargoes are indorsed by these banks where fish is shipped, and mortgages taken on ships and steamers used in the trade, the records of which are not always made in the public registries. It is therefore impossible to discover with even approximate accuracy what the indebtedness may be. Recorded indebtedness is even more unreliable, as it is often fictitious.

LIENS.

Liens are placed on personal property, including crops, but only by way of mortgage, which must be registered as above stated. Such property is subject to execution, and there are no exceptions, except workman's tools,

fishing gear, fishing boat, personal clothing, and bed and bedding of debtor and his family.

INTEREST.

There is no settled interest, but interest on mortgages or real estate and chattels usually runs from 6 to 8 per cent., but this varies according to trade, which is very precarious and uncertain. The bank rate of discount being 6 per cent., interest on mortgages rarely falls below that rate. Judgments carry 6 per cent. until time of payment if interest be allowed by court.

FORECLOSURES.

Mortgages are foreclosed by action at law if there be no power of sale given in the deed of mortgage; but if there be a power of sale, the mortgage is realized by sale and at expense of mortgagee.

PARTIAL PAYMENTS.

Partial payments need not be recorded, and the debtor does not lose the benefit if he defaults in part.

CANCELLATIONS.

The ordinary form of canceling a mortgage is by payment; and upon payment then by a release under seal, which must be recorded. The only mode of canceling a judgment is by payment.

THOS. N. MOLLOY,
Consul.

UNITED STATES CONSULATE,
St. John's, N. F., June 29, 1889.

MEXICO.

REPORT BY ACTING CONSUL-GENERAL MORE, OF MEXICO CITY.

RECORDED INDEBTEDNESS.

There is a registrar's office where all mortgages, liens, and judgments, both decreed and confessed, are recorded. Where a chattel mortgage is created possession of the property must be delivered to the creditor, and the document need not be recorded.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is about 28 per cent.

All mortgages must be recorded.

Mortgages do not complicate or embarrass the transfer of land titles.

Recorded indebtedness is diminishing in proportion to estimated values.

UNRECORDED INDEBTEDNESS.

Under the peculiar condition of business in Mexico there is no possible way of arriving at a probable proportion of existing recorded and unrecorded indebtedness.

LIENS.

The law exempts from execution and attachment certain personal property, to wit, (1) bed and clothing; (2) common furniture (but not fine) absolutely necessary for the use of the debtor, his wife, and children; (3) tools and necessary articles for the trade of the debtor; (4) a sufficient number of oxen or other work animals for the farm; (5) books of professional men to the amount the judge may determine; (6) necessary instruments of physicians, surgeons, and engineers; (7) necessary articles for the carrying on of an industrial undertaking; (8) sufficient and necessary crops on the ground.

FORECLOSURES.

Mortgages can be foreclosed both by action at law and by sale under power, if so stipulated. There is no equity of redemption. There are no court fees. The only expense involved is lawyers' and appraisers' fees, which are very reasonable—lower than in the United States.

PARTIAL PAYMENTS.

A mortgage is constituted by a document executed before a notary public. The original is signed in his books, which he retains, giving a certified copy, which is recorded in the registrar's office. If a partial payment is made, a document is executed before the same notary before whom the mortgage was made, stating the partial cancellation; an entry of such payment is also made by the notary in the certified copy which was recorded, and, based upon this entry, the registrar makes an entry in his book, and notes the fact on the certified copy, which is returned to the mortgagee. The debtor does not lose all benefit if he defaults in part, unless there is an express stipulation to that effect, which is rarely done.

CANCELLATIONS.

The same form applied to partial cancellation holds good when the mortgage is fully satisfied.

INTEREST.

The prevailing rate of interest on mortgage paper, as well as judgments, is from 7 to 8 per cent. per annum, according to amount loaned. Judgments bear 6 per cent. per annum.

E. C. MORE,
Acting Consul-General.

UNITED STATES CONSULATE-GENERAL,
Mexico City, June 12, 1889.

NUEVO LEON.

REPORT BY CONSUL STORCK, OF MONTEREY.

RECORDED INDEBTEDNESS.

In this consular district, according to the laws of Mexico, and especially to those of the state of Nuevo Leon, all debts contracted as mortgages on real or chattel property must be recorded for the security of the creditor; also must be recorded all judicious attachments on such property, which is subject to any debt confessed in judgment. These records are made in an office created on purpose by the law, in which is also kept a record of all property.

LIENS.

All personal property, real or chattel, is subject to attachment, as also may be included the crops made or to be made; and in regard of such attached property, legal executions may be made for debts confessed in judgment or proven and ordered to be paid by sentence of a competent judge. In this consular district it is provided by law that when an attachment is laid on all property of a person only such articles may be excepted as the furniture in use, the wearing apparel of his family, and such instruments and tools which he uses in the profession he may exercise.

The amount of property mortgaged in this consular district is rather small in comparison with the general value of property.

According to the law it is an indispensable requisite that all mortgages must be recorded in the aforesaid office in order to be protected by law, as per article 2016 of the code of civil law in force, and which literally says: "Mortgages will have legal effect only from the date of their official record;" and as per article 2024 of the same code, which says: "The record will be made in the books of the instruments of mortgages, to which they appertain by classification."

Property under mortgage can not be sold by any means, unless it is for payment of the same mortgage or by special permission of the holders of said mortgage, because, according to the law, the notary public who authorizes a contract for sale of real property opens the corresponding document with a certificate from the officer of the above-stated recorder's office of mortgages stating that the property to be sold is free of all debts, without which certificate the sale is null and void.

The legally constituted and registered mortgages are superior to debts confessed in judgment, or such which are proved and ordered to be paid by sentence of a competent judge, so that in case a creditor holding a mortgage should appear in court with a simple creditor whose credit is proved by acceptance, or by any other private document, or by confession in judgment, the preference in payment, according to the law of this district, will be given to the creditor holding a mortgage.

INTEREST.

The registered debts, or such which consist in recorded mortgages, cause the rate of interest which is stipulated in the same. If no rate of interest at all is mentioned in the same, the creditor may pretend 6 per cent. per annum according to law. It must be stated, however, that the mutual usury is permitted in this district, that is to say, the creditor and debtor may arrange, conventionally, any rate of interest to be paid, and in this case their agreement is considered as entirely lawful.

FORECLOSURES.

At the expiration of the term of mortgages, if such debts which they guaranty are not paid, they may be made effective according to law, and, in such case, a suit is brought up for the sale of the mortgaged property in order to secure the payment of the creditor. In this case all expenses of the lawsuit to its conclusion will be for account of the debtor.

PARTIAL PAYMENTS.

It may be stated in mortgages, or in any kind of documents which justifies a debt, that partial payments will be admitted up to the completion of the whole debt, and in such cases at making any such partial payments the same will be noted at the foot of the corresponding document and have legal effect.

CANCELLATIONS.

The cancellation of mortgages must be made in the form defined in article 2044 of the code of civil law in force, which verbally says: "The cancellation consists in the declaration of the officer in charge of the record of mortgages made in the margin of the respective record that the effects of the mortgage is extinguished in all its effects," and in article 2045, which says: "This declaration may be made by virtue of the express commitment, by obligatory proof of the creditor, or by executive sentence."

CHARLES STORCK,
Consul.

UNITED STATES CONSULATE,
Monterey, May 29, 1889.

SINALOA.

REPORT BY CONSUL KELTON, OF MAZATLAN.

I have been aided in the preparation of this report by the district attorney, Mr. Saturnino Ayon, thus insuring the correctness thereof.

RECORDED INDEBTEDNESS.

The state of Sinaloa is divided into ten judicial districts, and the law provides that a public registry shall be established in the same locality where the district court sits.

The public registry is intrusted with the following duties, corresponding to the four sections into which it is divided:

(1) The registration of all documents transmitting the right of property over real estate, or rights imposed over said estate, other than those derived from mortgages.

(2) The registration of mortgages.

(3) The registration of leases and tenures by grant.

(4) The registration of final decisions awarded by the courts.

The general principle governing all such records or registrations is based on article 3333 of the civil code, which prescribes that all acts and contracts between parties which transmit or modify property, possession, or the use and enjoyment of real estate, or the rights invested therein, shall be recorded, provided the value of the same shall be \$500. Acts and contracts under this amount need not be recorded.

All acts and contracts registered or recorded within fifteen days after being entered into or drawn up produce their effects with regard to third parties from the date of the deed. If not recorded within that term, they can only produce their effects with regard to third parties from the date of registration.

Records must be entered in the registry of the district wherein the real estate is located.

Only public documents, *i. e.*, documents drawn up before a notary public or any officer empowered by law to act as such, can be recorded, and judicial decisions or warrants when duly certified to.

Liens and mortgages must be registered within six days after the proper deed has been drawn up, not counting legal holidays and allowing one day for every 5 leagues from the place where the deed has been drawn up to the seat of the public registry. Such deeds must begin by inserting a certificate from the recorder to the effect that the property to be mortgaged is free, or, if not free, stating previous mortgages. Article 2016 of the civil code prescribes that no mortgage can produce any legal effect until it is recorded.

Indebtedness can be confessed before a notary public, and it then becomes a public instrument, which, if affecting property, must be registered, as before stated. Indebtedness can also be confessed judicially, and then, becoming *prima facie* evidence of any and all obligations, it releases the contrary party from the necessity of proving any allegations; it changes the nature of a common suit into a compulsory action for execution, and calls for a decision against the party confessing. Said decision is registered, as stated above.

The recording officer, or clerk, is appointed *ad libitum* by the governor. The registry and the officer depend directly from the governor.

The recording officer must be a lawyer, a notary public, or one sufficiently and competently posted in the law.

As mentioned above, the registry is divided into four sections; that is to say, there are four sets of books to be carried—one for real estate, another for mortgages, another for leases, and the last for decisions or decrees.

• As real estate is divided into country and city property, the first section is subdivided into the two classes. The first, viz, country property, is recorded, designating —

- (1) Name of the property.
- (2) Location, or the town to which it belongs.
- (3) Two of the boundary lines in opposition, chosen from the points of the compass, and which must be the same for all property.
- (4) Extension of area.
- (5) The agricultural pursuit for which it is destined.
- (6) Its number in the registry, and the book and folio where it is recorded.

The second, viz, city property, is recorded designating —

- (1) The name of the square or street which it fronts.
- (2) The number.
- (3) The number in the registry.
- (4) Name of the place.
- (5) The volume and folio where it is recorded.

In order to show plainly and exactly the property and rights subject to registration, recorders must observe the following rules:

(1) The nature of the property, if it be country or city property, and the name by which those of its class are known in the district.

(2) The location of country property shall be determined by designating the municipality, political division, or any other name by which the region wherein it lies is known, its boundaries, according to the points of the compass, and any other circumstances which may prevent its being mistaken for others.

(3) The location of city property shall be determined by designating the name of the place, the name of the street or situation, the number, should it have one, and if of a recent date the one or others it had before, the number of the precinct and block, the name of the building should it be known by any, its boundaries and other circumstances, to preclude any mistake.

(4) The superficial measurement shall be expressed in the same manner as in the title-deeds, and with the same denominations. Should said measurement not appear in the title-deeds, this circumstance shall be mentioned in the record.

(5) The nature of the right inscribed or recorded shall be designated with the name given to it in the title-deed.

(6) The value of the property, or of the right recorded, shall be expressed if it appear in the title, and in the same form as it appears therein, either in money or in species. Said value shall also be expressed should it have been fixed upon by appraisement for the payment of the tribute, or if in case of a pension or a usufruct it should have been capitalized for the payment of the tribute.

(7) In order to manifest the extension, conditions, and burdens of the right to be recorded, detailed and literal mention thereof shall be made according to the title, which may limit the right and faculties of the party acquiring in behalf of a third party, be it a person known or determined, also the terms in which the obligations contracted fall due, if those recorded belong to this kind.

(8) The burdens on the estate, or the right affected immediately, resulting either from a former record or only from the title presented. In the first case the nature and number shall be concisely indicated, mentioning the number of each one and the folio and book of the registry where it is entered; in the second case the nature and number shall be noted down literally, mentioning the fact that there is no previous record. If said burdens should appear from the title of the registry, but with some difference between them, said difference shall be noted down.

(9) The names to be marked down in the inscription shall be such as are expressed and appear in the title, the recorder not being allowed to add or take away any of them, not even with the concordance of the parties. The age, situation, profession, and residence shall be added to the name if they also appear in the title. Partnerships, companies, societies, or public establishments shall be designated by the name under which they are known, expressing the residence at the same time, and besides by the name of the person asking the inscription in its representation, should it be a society not known by its mere name. The title in virtue of which the party transferring the right possesses it shall be added, should it appear.

(10) All inscriptions of acts or contracts that might have caused dues in favor of the public treasury shall contain, furthermore, the import of them and the date of the receipt in payment.

(11) In the registration of leases the price of rent and duration of the contract shall be expressed.

The registration of a mortgage shall contain:

(1) The name, residence, and profession of creditor and debtor. Persons shall be designated by their names, and companies by that of the firm.

(2) The date and nature of the credit, the authority or notary subscribing it, and the hour it is presented for registration.

(3) The nature of the right it constitutes, transmits, modifies, or extinguishes by the title, as well as the contract, partition, or judgment from which it proceeds.

(4) The amount of the credit.

(5) If it causes interest, the amount and date from which it is to run shall be expressed.

(6) The date when the capital can be demanded in payment.

(7) The nature of the rights on real estate, or the real estate hypothecated, with the location, name, number, boundaries, and other characteristic circumstances.

(8) The payment of the taxes to which the property is subject. The registration of mortgages shall be noted down in the registry of property against the one subject to it, with its corresponding number, with the marginal note: "Inscription of mortgage No. —, volume —, folio —."

For the registration of sentences or decisions, recorders will be guided—as much as they can be applicable to the case—by the rule established concerning the registration of property and rights on real estate, besides expressing the following:

- (1) Name, surname, and residence of plaintiff.
- (2) Object of the suit.
- (3) Part of the sentence containing the resolutions, with the name of the court or tribunal that awarded it and the date.
- (4) Designation of the person appointed to administer the estate, if the decision so has it.

An imperfect and unstable system of appraising property, together with the fluctuations to which it is subject, make it very difficult to arrive at the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property. By having recourse to court records in cases of execution of judgments and to registrations of mortgages, the probable ratio can be set down at from 30 to 40 per cent.

It is an indispensable requisite that all mortgages be recorded. Article 2016 of the civil code, already quoted, establishes that no mortgage can produce any legal effect until the date of its due registration.

Late transactions appear to indicate that recorded indebtedness is increasing in proportion to estimated values.

Mortgages do not necessarily complicate or embarrass the transfer of land titles: no more than one mortgage precludes the constitution of another on the same property. Practically, however, complications and difficulties are met with in endeavoring to transfer such titles, as they are generally held and looked upon with distrust.

UNRECORDED INDEBTEDNESS.

It is not possible to arrive at the probable proportion of existing recorded and unrecorded indebtedness. The reason is obvious. As before mentioned, acts and contracts over \$500 must be recorded; under that amount they are very seldom recorded, because the interested parties do not care to incur the expense. The greater amount, by far, of the transactions which represent indebtedness fall under the \$500 standard, and there is no possible way of obtaining any knowledge of the number or amount of these transactions in order to have a mean term for comparison; therefore, no possible proportion can be arrived at.

LIENS.

Liens are placed on personal property, including crops, and such property is subject to execution of judgment. The right to obtain said execution may be derived from several causes. An acknowledgment of indebtedness made

before a notary public or any competent authority, the confession before a court sitting on the case, object of said confession, the *ex professo* constitution of the lien on such property are sufficient for the object above mentioned.

The question of preferences can only arise in case of simultaneous actions being brought up against a common debtor, as is the case when a party appears in bankruptcy and assigns his estate to his creditors. The civil code and the commercial code are both very explicit on the subject of determining preferences. This extensive subject may be reduced to the following headings when determining the preference of creditors among themselves:

- (1) Creditors invested with rights of dominion.
- (2) Creditors most singularly privileged, either on account of the nature of their credit, its origin, or the title on which it is based.
- (3) Creditors with privileged mortgages and liens. These mortgages or liens are, as a general thing, those constituted *ipso jure*.
- (4) Creditors with ordinary mortgages and liens.
- (5) Personal credits of a privileged character.
- (6) Ordinary and unprivileged credits.

INTEREST

The prevailing rate can be set down at from 1 to 1½ per cent. per month on mortgages, one-half of 1 per cent. per month being the legal interest on judgments to be executed.

FORECLOSURES.

Article 2043 of the civil code prescribes that the registration of mortgages may be canceled by the consent of the creditor or by a judicial decree.

Article 2051 of the same code prescribes that mortgages are extinguished—

- (1) By the rescision, the nullity, and extinction of the obligation which they guaranty.
- (2) By the destruction of the property hypothecated, unless it be insured, then the creditor is entitled to the policy, or part thereof, and can petition that the amount due him be invested to his satisfaction, so as to insure the payment of his credit.
- (3) By express release of the creditor.
- (4) By prescription, or *usucapion*, and cancellation.
- (5) By the extinction of the rights of the debtor on the property hypothecated.

(6) By expropriation for public uses of the property mortgaged; the price or value goes preferentially to pay the creditor.

All these provisions of the law necessary to be borne in mind clearly indicate what really is the practice, that mortgages are foreclosed either by action at law or by sale through power and consent of the parties. The expense depends on the amount and importance of the mortgage, but it can safely be estimated in the neighborhood of 25 per cent.

PARTIAL PAYMENTS.

Partial payments are registered or not, according to the stipulations contained in the deed where the obligation is drawn up. If so expressed, as it generally is, the debtor loses all benefit of partial payments if he defaults in part.

CANCELLATIONS.

We have already seen that article 2043 of the civil code prescribes that the registration of mortgages may be canceled by the consent of the creditor or by a judicial decree. Article 2044 prescribes, in turn, that the cancellation consists in the declaration made by the officer, or the clerk of the record of mortgages, in the margin of the respective registration that the mortgage, with all its effects, has been extinguished.

EDWARD G. KELTON,

Consul.

UNITED STATES CONSULATE,

Mazatlan, June 29, 1889.

VERA CRUZ.

REPORT BY CONSUL DRAYTON, OF TUXPAN.

RECORDED INDEBTEDNESS.

The laws of the state of Vera Cruz are identical with those of Louisiana relating to credit systems. In all cases the parties must appear in the presence of a notary public and have the mortgage recorded, stating in full the conditions and duration of mortgage. The same is recorded by the notary and entered upon the deeds of property. Twenty years is the limitation by law, but in cases where no date is mentioned then ten years is considered or specified as the full limit allowed. Extension must be applied for before date on which mortgage expires, and in all cases the notary is obligated to notify contracting parties previous to date of expiration.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property, as far as could be ascertained, is about 50 per cent.

Mortgages embarrass the transfer of land titles only in cases arising from mortgagee being dissatisfied with party to whom titles are to be transferred, or in any case where it is considered doubtful or objectionable to the terms on which mortgage is bound.

LIENS.

Any person securing a loan on property or crops on said property has full rights to cause execution of judgment or change lien to a mortgage, providing the lien has been recorded by a notary. There are cases of exemption, which are governed according to way or conditions stipulated as recorded, but when the debtor was known to be in circumstances of a doubt-

ful nature upon time of making, it is then settled by arbitration, and if then an agreement can not be arrived at, the court can decide by either a foreclosure or extension of time, allowing or not requiring an interest according as the case may justify.

INTEREST.

The legal rate of interest is 6 per cent., but if agreed between the contracting parties on commercial rate it is then understood at 12 per cent.

FORECLOSURES.

Mortgages are foreclosed both by sale and action at law as the nature of the case may require. There is no specified cost, this depending entirely on the nature of the case and manner in which the parties interested act in the matter.

PARTIAL PAYMENTS.

Partial payments must be recorded. In case of default of payment, this is governed entirely by the agreement made when mortgage was drawn up.

CANCELLATIONS.

The party holding mortgage appears in the presence of the notary, where a certificate is drawn up on titles of property and he signs same, canceling his claims.

JOHN DRAYTON,

Consul.

UNITED STATES CONSULATE,

Tuxpan, June 4, 1889.

CENTRAL AMERICA.

COSTA RICA.

REPORT BY CONSUL WINGFIELD, OF SAN JOSÉ.

RECORDED INDEBTEDNESS.

Mortgages are given on real estate, and are recorded, and give priority of lien according to date of recordation. The recordation consists of an inscription of an abstract of the document, which evidences the mortgage in the public registry. Personal property is not mortgaged but pledged, in which case there must be transfer of possession. Judgments do not give a lien in favor of the judgment creditor. All creditors who appear upon notice published by the court share pro rata in the proceeds of sale of the debtor's property. Of course, no lien is acquired by confession of judgment.

There is no direct taxation in Costa Rica either upon real or personal property, and hence no assessments made. It is impossible, therefore, to form even an approximate idea of the probable ratio which judgments and mortgages bear to total valuation and assessed property.

All mortgages must be recorded to bind third parties.

Mortgages do not embarrass the transfer of land titles, outside of the delay and inconvenience in such cases.

While actual recorded indebtedness has increased considerably in the past three years, property values have increased more than 50 per cent. during the same time. This is due to the fact that the prices of coffee have ruled high, this being the principal staple crop of this country.

UNRECORDED INDEBTEDNESS.

No definite idea can be formed of the proportion of existing recorded and unrecorded indebtedness. Perhaps the entire amount of money out on loan is from \$3,000,000 to \$5,000,000, much the larger portion of which is loaned by the banks, which seldom take mortgages, but take two-name notes.

LIENS.

Liens are not so placed; such property is subject to execution of judgment, but the creditors who appear to prove their claims share pro rata. There are no exemptions.

INTEREST.

The prevailing rate of interest on money loaned, whether on mortgage or bank paper, is from 9 to 12 per cent. per annum. This on what is considered first-class paper.

FORECLOSURES.

By mutual consent of debtor and creditor the property may be sold, but in absence of such mutual consent the mortgage is foreclosed by action at law. The expense and costs in such cases are about the same as in the United States.

PARTIAL PAYMENTS.

This depends on the character of the contract between the parties. In the absence of special agreement default of the debtor in whole or in part in payments results in a sale. Partial payments should be recorded, but when proven to have been made are applied in reduction of the debt as against the mortgage creditor. If the mortgage were transferred to innocent third party, the debtor would lose the benefit of his unrecorded partial payments.

CANCELLATIONS.

A mortgage is canceled by instrument in writing executed by the mortgagee before a notary public and duly recorded. If enforced by court proceedings, by the court records; debts due upon paper other than mortgages, by the return of execution when enforced by court proceedings; bank paper when paid off at maturity, by canceling and delivery of note to the maker.

J. RICHARD WINGFIELD,

Consul.

UNITED STATES CONSULATE,

San José, July 19, 1889.

GUATEMALA.

REPORT BY CONSUL-GENERAL HOSMER.

RECORDED INDEBTEDNESS.

The registry system in the Republic of Guatemala is comparatively quite modern, having been established since the year 1877. It was derived from the Spanish, Mexican, and Chilian codes, and the mortgage law was closely copied from that of the Spanish. Changes and modifications have occurred in the system from time to time, adapting themselves to public necessities, and it may be reasonably anticipated that still further alterations in the practical operation of the law will be made, until it becomes more nearly similar to that of the perfected and experienced system of the United States.

As to recorded indebtedness, there is an office of registry (*registro de la propiedad*), where the property is located and where liens are made, situated conveniently in relation to certain political districts.

There is no limit affixed to mortgage liens. It is left to the judgment or discretion of the parties concerned. If, however, this interrogatory refers to total amount of taxable and assessed property of Guatemala, I can not give an accurate answer as to the ratio which mortgages and judgments bear thereto, because there are many cases where mortgages are not recorded, the creditors taking the risk.

All mortgages must be recorded for protection, although this requirement is not always complied with.

Mortgages do not complicate or embarrass the transfer of land titles.

Recorded indebtedness remains about the same.

UNRECORDED INDEBTEDNESS.

It is possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness. It may be found in the *memoria* (or blue book) presented by the *ministro de gobernacion* (or interior) to the Legislative Assembly each year.

LIENS.

In case of crops not independent of the land, no lien can be placed except by consent of the mortgagee. All chattel mortgages contain the condition that the property pledged should pass into the possession of the creditor or that of a third party to hold on deposit. Personal property thus pledged is not subject to execution of judgment, except for an amount of value beyond the original lien; that is to say, a chattel mortgage is not legally permitted to become the vehicle for fraud upon creditors. There are no exemptions to property thus pledged.

INTEREST.

The rate of interest varies according to agreement. In the absence of an agreement as to rate of interest, 6 per cent., which is the established legal rate, is collected.

FORECLOSURES.

Mortgages are foreclosed by action at law and by sale under power, and the expense varies according to circumstances.

PARTIAL PAYMENTS.

Partial payments are receipted for before a notary, but it is optional as to registry. The debtor does not lose all benefit if he defaults in part.

CANCELLATIONS.

The ordinary form of canceling is either by a notary's deed or by personal application to the registry office. In either case the cancellation is recorded on the books of the register, in a separate column arranged for that purpose.

JAMES R. HOSMER,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Guatemala, June 24, 1889.

SALVADOR.

REPORT BY CONSUL TUNSTALL, OF SAN SALVADOR.

EXPLANATORY.

In order to render a satisfactory report upon the subject of the Department circular of May 10, 1889, it has required some patient investigation. Having submitted to the inspection of a prominent member of the legal fraternity of Salvador, who is conversant with the English language and interprets for the Government, the series of interrogatories contained in the circular and propounded at the instance of the National Board of Trade, held in Boston in November, 1888, I return the following answers, furnished by him, as the most reliable information to be conveyed on the matters to which they refer.

RECORDED INDEBTEDNESS.

To secure a debt by mortgage a deed must be drawn before a notary. All mortgages must be recorded in the registry office. Of recorded mortgages preference is given to priority of date. A mortgage not recorded has simply the force of an ordinary debt. All titles to property and judgments transferring the ownership are likewise registered or recorded. There is a special and extensive mortgage law in force in this Republic.

It is not possible to form any estimate of the proportion that mortgages and judgments bear to the valuation of property, as the Government makes no appraisal or assessment upon it with a view to taxation. Real estate is not taxed in Salvador.

Mortgages do not complicate or embarrass the transfer of land titles.

UNRECORDED INDEBTEDNESS.

There is no possible method of arriving at a probable proportion of existing recorded or unrecorded indebtedness, as such particulars or statistics are never published by the offices of registration or record.

LIENS.

All property, real and personal, is subject to execution for debt. The exemptions are the absolute necessities for the maintenance of the debtor, and such chattels and tools of the artisan. There is no crop lien law, yet any and all goods and chattels may be made subject to a lien.

INTEREST.

There is no fixed rate of interest on mortgage paper. Interest is a matter of convention between creditor and debtor. The recognized legal interest, however, is 9 per cent., and runs on a debt from judgment to execution.

PARTIAL PAYMENTS.

A creditor is not obliged to receive partial payments, but when made or accepted the debtor is entitled to the benefit thereof.

FORECLOSURES.

Mortgages are foreclosed by sale under power, and the expense varies.

It is utterly impossible to state whether or not recorded indebtedness is increasing or diminishing, as there is no estimated value of property.

CANCELLATIONS.

The ordinary form of canceling a mortgage is to present a deed, drawn before a notary, at the office where the mortgage is recorded, when a note to that effect is entered on the margin of the record.

T. T. TUNSTALL,

Consul.

UNITED STATES CONSULATE,

San Salvador, September 27, 1889.

SOUTH AMERICA.

ARGENTINE REPUBLIC.

REPORT BY CONSUL BAKER, OF BUENOS AYRES.

I have the honor to acknowledge the receipt of your circular of the 10th of May last reciting the resolution of the National Board of Trade, which seeks information in the matter of mortgages, indebtedness, partial payments, and limitations of security in foreign countries and their methods of collection and cancellation of mortgages, and requesting me to answer certain interrogatories as to the system on these subjects which prevails in the Argentine Republic.

BORROWING ON BOND AND MORTGAGE.

I may premise that probably there is no country in the world where the hypothecation of real estate prevails to a greater extent than it does here. It seems to be a part of the very foundation of the economic system, and pervades the entire superstructure of the Government. Borrowing on bond and mortgage is, as it were, the ways and means by which the body politic, as well as the people, are assuming to develop the resources and discover the hidden wealth of the country. It is regarded as the "open sesame" by which the nation is to effect an easy entrance to the possibilities of a great future. Whereas in most countries the mortgaging of property is individually left to those whose necessities require additional capital, and the necessity is rather regarded as a misfortune, here the Government looks upon the hypothecation of property as something to be fostered, encouraged, and assisted, and even makes the business a national matter.

NATIONAL HYPOTHECARY BANK.

I refer to the fact that, in addition to the usual legal facilities for borrowing money on mortgage, the Argentine Congress has by law established a great national mortgage bank, whose special functions are to make loans on the hypothecation of real estate. The law creating this bank was passed on the 14th of September, 1886. The President, in his last message to Congress, speaks of it as "an institution which will greatly multiply the elements of credit in the Republic;" and the minister of finance, in a speech he made in the House of Deputies a few days ago, declared that "the bank is a great boon to the people for the reason that land is the great patrimony, the immense capital of the country, and every facility should be given to mobilize that capital and increase its value." By its franchises this bank can operate in all the provinces and territories of the Republic. Its functions are not to loan money on mortgage, but to issue transferable mortgage bonds (*cédulas*) on the execution of mortgages in its favor, which *cédulas* are put upon the market and sold for what they will fetch by the holders, and the nation guarantees to the holders the service of the interest and amortization. They are made payable to bearer, and they bear an annual fixed interest not to exceed 8 per cent., and an annual accumulative sinking fund for their ultimate payment, the maximum of which shall not exceed 2 per cent. The bank is managed in the capital of the Republic by a board of control, consisting of a chairman and eight directors, appointed by the President, and in the different provinces and territories by means of administrative councils. The board can make no loan of less than \$1,000 or of more than \$250,000 to any one person, nor can any provincial council grant loans of more than \$5,000, unless specially authorized by the board. The face of the *cédulas* can not be less than \$25 nor greater than \$1,000. The responsibility for loans is not limited to the property mortgaged, but extends to all other property the mortgagee may possess, so far as the excess is concerned, in which case the order of preference to be followed is that laid down in the civil code. The

central bank is the only one that delivers the *cédulas*, though the mortgage deeds be executed in the provinces; and no loan can be granted for more than half the value of the property mortgaged. A delay of over sixty days in the payment of the hypothecary obligation authorizes the bank to put up for sale by public auction the property or properties mortgaged without any legal proceedings and to award them to the highest bidder. To provide for the expenses of the bank, and to guaranty punctuality in the service of the *cédulas*, a credit of \$2,000,000 is kept open in the National Bank in favor of the National Mortgage Bank. No loans can be made on mines and quarries, nor on joint properties unless the mortgage be made on the whole of the property with the consent of all the joint owners declared by means of a public deed, nor on properties which may be rented for a term of more than five years at the date of the contract for the loan, nor on properties which may not be susceptible of producing an income.

The National Mortgage Bank has power to emit *cédulas*, not only on property situated in the capital of the Republic and in the national territories, but in any of the provinces. The governments of the different provinces can establish mortgage banks, but only with the power to make loans on properties situated within their respective territories.

MORTGAGE BANK OF THE PROVINCE OF BUENOS AYRES.

I do not think that thus far this privilege of establishing mortgage banks has been taken advantage of in any of the interior provinces. The province of Buenos Ayres, however, in the year 1871, founded an institution of this character, which was really the forerunner of the National Mortgage Bank, and, having been in existence for so many years, its transactions now reach to colossal proportions. According to its statutes it is really a dependence of the Provincial Bank, although it has its own board of directors. Its object is also to facilitate and make loans on mortgage to be paid on long time by annual amounts, which include the interest, the amortization, and the commission of the bank. Its operations, as in the case of the National Mortgage Bank, consist in issuing *cédulas*, or certificates of credit, which are transferable or payable to bearer, based on real estate mortgages made in its favor, in collecting the amounts falling due to the bank from the mortgageor, and in paying the interest falling due from the *cédulas*. By the terms of the law, the interest can not exceed 8 per cent., nor can the amortization be more than 2 per cent. nor less than 1 per cent. These *cédulas* circulate like other securities and are bought and sold in the market. The value of the real estate mortgaged can not be less than \$2,000, nor can the loan be for less than \$500, and the loans are not permitted to exceed one-half the value of the property mortgaged. The mortgagee is at any time permitted to release his property, in whole or in part, by anticipating the contract. The province of Buenos Ayres guaranties the payment of the interest and amortization on the *cédulas* issued by the bank. Other provisions of the law are similar to those which govern the National Mortgage Bank, and it is not necessary to repeat them.

-CHARTERED LOAN AND TRUST COMPANIES.

Besides these two great institutions, there are a number of chartered companies whose franchises permit them to make loans on mortgage, but none of them have power to emit *cédulas*. Their loans are in money, and they are governed in their transactions by the terms of the civil law of the country. Among these institutions may be named the Mortgage Bank of the Capital, the Real Estate Credit Bank, the Santa Fé Territorial and Agricultural Bank, and the Agricultural and Commercial Bank of the River Plate. Besides these are the New Zealand and River Plate Land Mortgage Company (limited), and the River Plate Trust, Loan, and Agency Company (limited), both of them English institutions.

TERRITORIAL BANK OF SANTA FÉ.

The Santa Fé Territorial and Agricultural Bank has by its charter certain privileges and powers, to which it may be interesting to call attention. It is authorized to carry on operations of agricultural credit, to make loans to private persons or to companies for long or short terms on mortgage or otherwise, and to advance money on securities, and under these powers it is provided that the bank may draw deeds of mortgage, signed by the debtor and two witnesses, which shall be considered as public documents, provided copies of the same are deposited with the justice of the peace of the district in which the mortgaged farm is situated. These deeds stipulate that in case the obligation should fall due before the harvest time, the bank is authorized to take possession of the crops and proceed to sell the same, by means of an official broker, unless the debt shall be paid within five days after taking possession of said crops. The same provision exists as regards loans of money on warrants for produce. But if the proceeds of the sale should not cover the credit, with commission and expenses, the account of the bank for the balance shall be considered as a public instrument of an executory character, and the courts may not interfere with the bank's action, either by granting time for payment or any other way. As regards mortgages, the most noteworthy dispositions are those which refer, in case of repayment being made in advance, to the forfeit of one quarterly payment, and to the exacting of an indemnity of 2 per cent. ; to the collection of a yearly commission of not more than 1½ per cent. ; to the penal interest of 2 per cent. on any half-yearly or quarterly payment in arrear, and in defaults the power of the bank to sell by auction two months' afterwards the properties in question without any legal proceedings. In this case the courts can not impede the action of the bank, unless the property be claimed by a third party. The bank is also empowered to take possession of and administer the mortgaged property if there should be no bid sufficiently high to cover the debt, and in case of resistance on the part of the owner the courts may order that possession be taken. It is also stipulated that the bank may sell, without any legal proceedings, any securities held as collateral, in case the credit should not be paid when due.

The government of the province of Santa Fé guarantees the interest, which may not be greater than 8 per cent. on the bonds the bank may issue to the amount of \$5,000,000, provided the bank holds securities in its possession to the amount of \$4,000,000. In consideration of this privilege the Santa Fé government shall be entitled to 20 per cent. of the net profits of the bank, and for forty years no other bank shall be chartered with similar privileges.

NATIONAL PAWN OFFICE.

As I have already intimated, only real estate can be mortgaged. Personal property by the civil code can only be pledged or pawned. And here the Government also steps in and officially does the work of the pawnbroker. The municipal pawn office, located here in Buenos Ayres, was organized in 1880 by the National Government, and is under the direction of a chairman and board of directors appointed by the President. Its object is to loan money on pledges or pawns in the discretion of its officers, and according to a classification which is made periodically. The rate of interest on these loans is fixed every six months, and is invariably to be paid in advance. The time allowed on these loans varies from one to twelve months. The loan is for two-thirds the value of the article pawned. The certificates given (*polihas*) are made transferable by indorsement, and express the nature, condition, and quality of the article pawned, its valuation, the amount of the loan, the rate of interest, the time allowed, and the date, when the amount becomes due. The establishment operates with money advanced by the National Bank, with mutual interests. When default is made in the payment of the loan the articles pledged are sold at public auction, and if the amount realized exceeds the debt, the balance is delivered to the pledger on the presentation of the pawn ticket.

PROVINCIAL PAWN OFFICES.

Besides this pawn office (*monte de piedad*) of the capital, the several provinces have also by law established public pawn offices in all their principal towns and cities under very much the same regulations. Those of the province of Buenos Ayres collect $1\frac{1}{2}$ per cent. interest and one-half of 1 per cent. commission on all loans.

Having thus referred to the several incorporated institutions and public facilities which the Argentine Republic offers for the effecting of mortgages on real property and of loans on personal property, and the special laws under which these institutions operate, I proceed to consider the interrogatories to which you have requested me to make answer.

RECORDED INDEBTEDNESS.

The system of recorded indebtedness, such as mortgages on real or chattel property, loans, and judgments, both decreed and confessed, which prevails in this consular district is that which is known as the civil law, and it is embodied in the civil code (*codigo civil*) of the Argentine Republic.

In the matter of mortgages this code provides that "a mortgage can only be effected on real estate or immovable property, especially and expressly described, for a sum of money also certain and determined, or which may be determined," but it "extends to and includes all the accessories while they are united to the principal; also all improvements, whether they be natural, accidental, or artificial, and even though they be the act of a third party; also all improvements made to waste property; also all the advantages which the property may receive from the extinction of charges, liens, or any service which was attached to it; also to all rents or income owing by lessees; also to the amount of all insurance which there may be upon the premises, but no acquisitions of contiguous or adjoining property are subject to the mortgage." Likewise the mortgage is indivisible; each one of the properties mortgaged for a debt and each part of them is obliged to pay the whole debt and each part of it, and the creditor whose mortgage extends to several pieces of property has the right to select whichever one he pleases for the payment of his credit, even though upon the property selected other mortgages may have subsequently been effected.

Mortgages can be constituted only by a public deed or by documents dispatched by authority competent to give them, and they must be authenticated. A public notary (*escribano publico*) is the usual official who draws them and certifies them. They can, however, be effected on property in this country by deeds made in other countries, under the forms and conditions prescribed by law. Mortgages thus made must be registered in the office of mortgages within six days from the time the judge orders them to be recorded, otherwise they will not prejudice third parties, and those made abroad must state a consideration which is legal by the laws of the Republic. The mortgage deed must contain the names, titles, and domiciles of the debtor and creditor, those, also, of the officer before whom it is made, the date and nature of the contract under which the mortgage is effected, and the record in which it is found, with a full description of the property and the exact amount of the debt. A mere general designation of the property as being situated in a certain place or city is not sufficient. A mortgage, however, will not be annulled through failure of any formalities or requirements, provided that what is lacking can be made certain, but in all such eventualities it is a case for the legal tribunals to decide. All mortgages in their exact language should be registered and recorded in the mortgage office, or in a register which should exist in the capital city of each province or such other towns as the provincial governments may by law establish them. A deed of mortgage will not prejudice third parties, except when it has been made public by its inscription in the registers used for such purpose, but the contracting parties and their heirs, and those who have intervened in the deed, as the notary public and the witnesses, can not take advantage of such omission; in respect to them the mortgage is considered as registered. When a mortgage has been executed but not yet registered, and the legal term for doing so has not expired, a subsequent creditor who, having knowledge of their prior mort-

gage, registers his mortgage first acquires no right of priority as against the first mortgage, provided it is registered within the time required by the terms of the law. Although it is required that a mortgage shall be registered within six days following its authentication, yet, if the mortgage office should be more than 2 leagues distant from the office of the notary public before whom the mortgage was authenticated, in such case the party has one day additional for registering it for every 2 leagues of distance. But in all cases the registry must be made in the mortgage office of the district in which the property is situated.

A mortgage duly registered takes effect against third persons from the day of its execution, provided it shall have been registered within the period of six days limited by law; but if the creditor lets this period pass, it has no effect against third persons only from the day on which it shall have been registered. It can, however, be registered at any time without the necessity of an authorization from a judicial tribunal. A registered mortgage is valid only for a period of ten years, unless it shall previously have been renewed. It guaranties the interest as well as the principal of the debt, but interest which had accumulated before the date of the mortgage should be made a part of the principal. A mortgage as completely guaranties a conditional debt as it does a pure and simple one. Meanwhile, however, the owner of the mortgaged property continues to exercise all the rights of property, but he can not, to the detriment of the mortgagee, exercise any act of actual or juridical dispossession the effect of which would be to diminish the value of the property. When there has been a deterioration of the property and the value has been so diminished as not to be a full and complete security to the mortgagee, even though the debt may be conditional or eventual, he can ask the court to estimate the amount of deterioration and require a deposit of the amount or demand a supplemental mortgage. Likewise, when the owner of an establishment or house removes the furniture or other accessories and delivers them to a purchaser in good faith, he must make good the value to the mortgagee; or, in such cases, the mortgagee, although his debt is not yet due, has the right to demand that the mortgageor be deprived of the benefit of the balance of the time which the mortgage still has to run.

Chattel or personal property, not attached to or accessory to the realty, such as is called here *bienes muebles* (movable property), can only be pledged or pawned. I have already referred to the facilities which the Government offers for pawning personal effects. When the transaction is a private one the civil code provides that where a debtor, by a certain or conditional obligation, present or future, delivers to the creditor any movable property, or a credit in security for a debt, the transaction is regarded as a pledge (*prenda*). The possession which the debtor gives the creditor must be an actual possession, and the rights which the creditor has to the pledge only subsist while he or a third person, agreed upon by the parties, are in possession of the article or articles pledged. But the creditor is judged to be still in possession of the pledge even though he has lost it, or has been robbed

of it, or delivered it to a third person for safe keeping. If the object given in pledge is an account, or bonds, or certificates of stock, which are not transferable by mere indorsement, the parties or company by whom the same are issued must be notified and the title must be delivered to the creditor. But no one can pledge a credit the title to which does not appear by an instrument in writing. A pledge, to be good against third parties, must be made by a public or private instrument in writing of a certain date. It must mention the amount of the debt, and must contain a detailed description of the objects, with their quality, and even weight and measure if these are necessary to determine their identity. If there should exist on the part of the debtor who has made the pledge an additional debt to the same creditor which was not due before the payment of the first, the creditor is not obliged to return the articles pledged until the payment of both debts, although no such stipulation may have been made. This is only the right of retention, however, and gives no other privilege. If the debtor does not meet the payment of a debt at the time agreed upon, the creditor can make petition to the court for the sale of the article or articles pledged at public auction, with the citation of the debtor. If the pledge does not exceed the value of \$200, the judge can, however, order that it be sold at private sale, and the creditor can acquire the property either by purchase in remote, or by private sale, or by adjudication of its value. Meanwhile, if the pledge has suffered loss or deterioration by the fault of the creditor, he is responsible for the same. And if the pledge draws interest or accretion, the creditor must give an account of the same to the debtor, in order that it may go towards the payment of the debt. When a number of things have been given in pledge it is not possible to retrieve any of them without first paying the total obligation; and when the right to the pledge has been extinguished by the payment of the debt the creditor is obliged to restore the pledge, with its accessories.

There is another method of transferring real estate as a security for debt, which corresponds somewhat to our trust-deed. It is called *anticripsis*, and the creditor the *usufructuario*. Under this form of deed the creditor takes possession of the real estate, but he can only apply the rents and profits to the extinction of his credit. The contract is complete between the parties by the delivery of the property, and it requires no other formality; but the creditor is authorized to retain the property only until the debt is paid. If, however, the debt is not paid at the time it is due, the creditor can ask judicially that the property be sold to satisfy it. Besides this, he can at any time surrender the property and pursue the payment of his debt by the usual legal remedies. As long as he retains it, however, he must take due care of it, and make provision for its preservation, and he is liable if he does not do so. So, likewise, he must meet all the taxes and other charges on the property out of the rents.

LIENS.

All property, real and personal, in the Argentine Republic can be embargoed or attached on judge's order, at the request of the creditor, and in

case the suit is sustained can after decree be sold by public auction. In addition to this, however, the civil code makes provision for certain liens or preferred credits, which affect the property of the debtor by the mere operation of law. This provision is called *privilegio*, and where it is permitted by the law it means that one creditor is first to be paid in preference to another, and this privilege is even subject to transfer or assignment. No debtor, however, is able by his own act to create a privilege or lien in favor of any of his creditors to the exclusion of any of the others. These privileged debts extend either to personal or real property, or to both. Those which extend to both are, first, the judicial expenses in all cases of legal proceedings, and, secondly, to public taxes and imposts. Those which extend to personal property are the following: First, funeral expenses, according to the position of the debtor, and the purchase of mourning for the family; second, the medical expenses of the last sickness, not exceeding six months; third, the wages of servants and dependents for six months, and of day laborers for three months, preceding the death or embargo of the property of the debtor.

It is also provided that those who have rented or leased real estate shall have a preference for the rents due them over other creditors—in case of city property for a period of two years, and in case of rural property for a period of three years. And this preference extends to all the furniture or other movables found in the house or on the premises, or which are used in the operations of the farm, or *estancia*.

The civil code further provides that architects, builders, brick-masons, and other workmen who have been employed by the proprietor to build, reconstruct, or repair edifices or other works are privileged creditors for the sums owing them, and have a lien for the same on the property. But this privilege does not extend to laborers employed, not by the proprietor, but by the contractor. Persons who have loaned money to the proprietor to pay architects, builders, etc., also have a lien on the premises to the amount of their loans. So, likewise, those who have furnished materials necessary for the construction or repair of a house or other work have a lien on the property.

While the law thus gives a preference in favor of certain classes of debt, none of the debtor's property is exempt from execution. It is all subject to embargo, or to sale under decree of court.

RATIO OF RECORDED INDEBTEDNESS TO TOTAL VALUE OF PROPERTY.

It is not possible to give an exact answer in regard to the probable ratio mortgages and judgments bear to the total valuation of taxable and assessed property, for the reason that I have no means of knowing the amounts of the mortgages and judgments outstanding in the country, and the total valuation of the taxable property can only be estimated.

In his last message to the Argentine Congress, President Celman assumes to state the value of the landed property of the Republic, basing his figures,

as he says, on actual sales and provincial statistics of 1887. His estimate is as follows:

Districts.	Total number of hectares.	Mean value per hectare in national dollars.*	Total value in national dollars.*
City of Buenos Ayres, the capital.....	18,141	60,065.48	1,107,788,907
Province of—			
Buenos Ayres.....	31,123,700	30.00	933,711,000
Santa Fé.....	13,158,200	7.66	100,879,518
Entre Ríos.....	7,545,700	20.00	150,714,000
Corrientes.....	8,114,800	2.94	23,832,452
Cordoba.....	17,476,700	6.50	113,508,550
San Luis.....	7,591,700	2.19	17,192,757
Mendoza.....	16,081,300	2.28	36,724,516
San Juan.....	9,750,500	2.22	21,684,681
Rioja.....	8,903,000	1.34	11,966,414
Catamarca.....	9,064,400	1.78	16,191,501
Santiago del Estero.....	10,235,500	2.00	20,471,000
Tucuman.....	2,419,900	7.25	17,545,396
Salta.....	12,826,600	1.41	18,134,815
Jujuy.....	4,528,600	1.70	7,621,212
Territory of—			
Misiones.....	5,395,400	1.02	5,509,964
Formosa.....	11,567,100	1.00	11,587,440
Chaco.....	12,483,400	1.09	13,582,048
Pampa.....	14,491,900	2.78	40,362,429
Neuque.....	10,908,100	1.00	10,908,100
Rio Negro.....	21,216,300	1.00	21,216,300
Chubut.....	24,713,100	.50	12,366,550
Santa Cruz.....	27,691,000	.25	6,922,750
Terra del Fuego.....	2,104,800	.10	210,480
Total.....	289,429,841		2,720,922,780

* National dollar = 96.4 cents American.

Taking these figures as the basis of the calculation, the only index it is possible for me to offer towards a solution of the question of "ratio" between the mortgages and the total valuation of the taxable property is a statement of the issue of the *cédulas* which have been made by the mortgage banks of the country. By the last annual report of the National Mortgage Bank I observe that the amount of *cédulas* outstanding on the 31st of December, 1888, was \$74,515,050; and since then \$30,000,000 have been put in circulation; total, \$104,515,050, which, being issued on the basis of one-half the value of the lands mortgaged, would show the total value of the property thus mortgaged to be \$209,030,050. The Provincial Mortgage Bank has made no report for last year, but I am informed by the liquidator of the Buenos Ayres Exchange that the amount of *cédulas* which that bank now has in circulation is \$210,000,000; and as these are also issued on the basis of one-half the value of the lands mortgaged, it would appear that the total value of the property mortgaged to that bank is \$420,000,000. What are the amounts outstanding on mortgages made to the several other institutions in the country which are doing a loan and mortgage business can only be conjectured, but they are certainly not less than \$35,000,000, based on property valued at \$70,000,000. We may also safely assume that the

loans on private mortgages in the entire Republic are \$50,000,000, and we have the following total amount of loans outstanding on mortgage:

Description.	Mortgage loans.	Value of property.
National Mortgage Bank.....	\$104,515,000	\$209,030,100
Provincial Mortgage Bank.....	210,000,000	420,000,000
Other mortgage banks.....	35,000,000	70,000,000
Private mortgages.....	50,000,000	100,000,000
Total.....	399,515,000	799,030,100

That is to say, while the total valuation of the landed property of the Republic is \$2,720,922,780, the amount of outstanding mortgages is \$399,515,000. So that, while the ratio of the mortgages to the total value of the property mortgaged is one-half, the ratio of the mortgages to the total value of the landed property of the Republic is only a little less than one-seventh.

In regard to the Provincial Mortgage Bank of Buenos Ayres, however, I must explain that its \$210,000,000 of mortgage *cédulas* are entirely and exclusively based on the landed property of the province; so that the ratio of these to the total valuation of the lands in question is not quite one-fifth.

In all these calculations I leave out of the question entirely the amount of outstanding judgments in the country, in regard to which I can not even venture an opinion.

As I have already explained, it is not absolutely required that a mortgage shall be recorded; but unless this is done it is not notice to third parties who may have subsequent mortgages or judgments.

INTEREST

In the absence of any stipulation, the legal rate of interest is 7 per cent. on mortgages and judgments. The rate of interest is, however, usually stipulated in the mortgage deed. In the case of private mortgages, which are nowadays more difficult to effect, the prevailing rate is from 12 to 18 per cent. Mortgages, however, as I have already said, are most frequently made with the mortgage banks, which operate by special laws. The National Mortgage Bank is not permitted to charge more than 8 per cent.; but thus far the *cédulas* it has issued bear only 7 per cent. interest. So, too, the Provincial Mortgage Bank is not permitted to charge more than 8 per cent., and the *cédulas* it is now issuing are at that rate of interest. The other mortgage banks charge 9 per cent. interest and 1 per cent. commission.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages do not complicate or embarrass the transfer of land titles. On the contrary, instead of complicating or embarrassing the transfer, they rather assist the sale, for the reason that they go to prove that the title must be valid, otherwise the property would not have been taken as a security for

loans. And this is especially the case where the property is mortgaged to the official mortgage banks. The fact of the mortgage is regarded by the public as evidence quite conclusive that the legal title is good, the conveyancers and legal experts of the bank having fully satisfied themselves on this point before advising the bank to take the property on mortgage. Indeed, it is becoming difficult to sell property unless it is thus mortgaged.

UNRECORDED INDEBTEDNESS.

It is impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness, for the reasons already given, that it is not possible for me to arrive at such proportion. There is no way of telling what the total recorded indebtedness of the country amounts to, and it is still more difficult to even give a guess in regard to that which is unrecorded.

FORECLOSURES.

Private mortgages can only be foreclosed by action at law, a proceeding which is expensive and frequently causes delay. The official mortgage banks, however, have special privileges, and they can, without legal proceedings, at once proceed to sell out a defaulting creditor. In the case of the National Mortgage Bank, and also that of this province, it is expressly stated in the contract of loan that the debtor "undertakes to pay to the bank a certain sum per annum, divided into quarterly or half-yearly parts, according to the series, on the nominal value of *cédulas* he receives and for the number of years which may be fixed in the contract, which will include the interest and quota of amortization of the respective series and the 1 per cent. of annual commission in favor of the bank;" also, that "the bank has the power to proceed, without legal judgment, to the sale of the properties mortgaged in case of non-payment by public auction to the highest bidder, the sale being announced for such purpose by advertisements published for a month in two local newspapers, and in case there should be no local newspapers notices will be posted up in public places and at the bank; and the bank has the power of granting due conveyances of the property to the purchaser, who, by this act, shall be invested with all the rights pertaining to the debtor in respect of such property.*" In all cases, whether the proceedings are in the courts or under special powers given to the banks, the expenses of foreclosure and sale must be borne by the debtor, "and if there is any surplus it will be delivered to the debtor or his legal heirs."

INCREASE OR DECREASE OF MORTGAGES.

Recorded indebtedness is not only increasing, but it is increasing very rapidly. Taking the public mortgage banks as a criterion, we have the following exhibit of the issue of *cédulas* during the last three years:

National Mortgage Bank cédulas in circulation.

1887.....	\$50,000,000
1888.....	74,525,000
1889.....	104,515,000

While I write the National Congress has just voted permission for a fresh issue of \$60,000,000 more of *cédulas* to this bank, to be distributed in the several provinces as follows:

Provinces.	Amount.	Provinces.	Amount.
Capital and national territories.....	\$20,000,000	Province of—	
Province of—		Salta.....	\$2,500,000
Buenos Ayres.....	5,000,000	San Juan.....	2,500,000
Santa Fé.....	4,000,000	San Luis.....	2,000,000
Cordova.....	4,000,000	Catamarca.....	1,000,000
Entre Rios.....	4,000,000	Rioja.....	1,000,000
Corrientes.....	4,000,000	Jujuy.....	1,000,000
Tucuman.....	3,000,000	Total.....	60,000,000
Santiago del Estero.....	3,000,000		
Mendoza.....	3,000,000		

Thus, by the end of this year, the total loans on mortgage by the National Mortgage Bank will be about \$165,000,000.

PROVINCIAL MORTGAGE BANK CÉDULAS IN CIRCULATION.

In the case of the Provincial Mortgage Bank of Buenos Ayres we have the following exhibit of annual increase:

1886.....	\$110,000,000
1887.....	160,000,000
1888.....	220,000,000
1889.....	250,000,000

Without going further into figures, the mere fact that within the last two years there have been chartered five or six new banks, with special privileges, exclusively devoted to the business of making loans on real estate, is sufficient to show, not only that recorded indebtedness is increasing very rapidly, but that the loan and mortgage business pays large profits.

PARTIAL PAYMENTS.

The conditions of the payment of the mortgage obligation are stated in the mortgage; and the contracting parties can make their own terms as to default, repayment, interest, etc. If no mention is made in the deed as to default of the principal, the creditor proceeds by foreclosure. If mention is made of default of the principal, but not of the interest, in the latter case he can not foreclose but must commence an action at law for the recovery of the interest. If the debt for which the mortgage was given is to be paid in installments, and to this end notes or bonds have been given, these documents must be noted and signed by the recorder of mortgages, in order that they may be considered as a part of the mortgage credit; and with these the debtor or a third party, when they shall have been fully paid, can ask to have his mortgage canceled. A mortgage is extinguished by an express and emphatic renunciation in writing, duly recorded, that the creditor has been duly paid his debt and consenting to the cancellation of the mortgage. Likewise, except in the case of the mortgage banks, which have special privileges, a

mortgage is extinguished if ten years have elapsed from the time it was registered in the mortgage office.

CANCELLATIONS.

The usual form of cancellation is by a deed made before a public notary and recorded in the mortgage office. Both the mortgage and the canceling deed should also be noted on the titles. Also, when the mortgage has been fully satisfied, but through some oversight or neglect there is no record of it, the tribunals will, on a presentation of the case, order that a cancellation be entered of record. But the official recorder of mortgages has no power to cancel a mortgage unless duly certified documents are presented to him, which show the consent of the parties, or the payment of the debt, or the decree of the judge ordering the cancellation.

THE TENDENCY TO CONTRACT DEBTS.

The tendency to contract debts, both recorded and unrecorded, is probably carried to greater excesses in this country, considering its limited population, than perhaps any other in the world. There is much fixed wealth in the Argentine Republic among a very few persons, but among the great body of the people credit is an article of prime necessity. Indeed, as this is a new country, there would be but little trade and no development without it. The National Government has set the example by increasing its indebtedness, in a state of profound peace, from \$82,017,291 in 1881 to \$220,000,000 in 1889. The various provinces caught the contagion, and such of them as could, have rushed into the money markets of Europe for loans, some of them in excess of their present abilities to pay. I have before me a very comprehensive report on the public debt of the country by Sr. Pedro Agote, chief of the public credit department, to the 31st of December, 1886, and from it I compile the following statement of the outstanding indebtedness, internal as well as foreign, of the nation and of the provinces, up to that date:

Description.	Internal debt.	Foreign debt.	Total.
National Government	\$47,523,134	\$135,225,424	\$182,748,558
City of Buenos Ayres, capital	14,259,254	.....	14,259,254
Province of—			
Buenos Ayres	4,289,661	64,443,699	68,773,360
Santa Fé	2,861,207	16,779,072	19,640,279
Entre Rios	1,891,619	4,011,840	5,903,459
Cordoba	562,531	2,985,000	3,547,531
San Juan	197,070	.....	197,070
San Luis	1,906	.....	1,906
Salta	186,603	.....	186,603
Mendoza	212,360	.....	212,360
Rioja	36,894	.....	36,894
Jujuy	30,294	.....	30,294
Santiago	396,811	.....	396,811
Catamarca	150,000	.....	150,000
Corrientes	550,000	.....	550,000
Tucuman	230,000	.....	230,000
Total	73,376,344	223,445,035	296,821,379

Since the date of Sr. Agote's report the amount of indebtedness has very considerably increased. I am able to mention the following loans:

Description.	Amount.	Description.	Amount.
Government issue of bonds for national banks.....	\$40,000,000	Province of Entre Rios.....	\$6,000,000
Buenos Ayres harbor works.....	4,000,000	City of Buenos Ayres.....	7,630,000
City of Rosario.....	980,000	Province of Mendoza.....	4,960,000
Argentine Government.....	10,290,000	City of Rosario.....	4,960,000
Province of Cordova.....	2,975,000	Province of Buenos Ayres.....	10,000,000
City of Cordova.....	990,000	Total.....	98,785,000
Province of Rioja.....	3,000,000	Sr. Agote's totals to Dec. 31, 1886.....	256,821,379
Province of Tucuman.....	3,000,000	Total outstanding bonded debt..	395,606,379

And so in business we find the same tendency to run into debt that is exhibited in the national and provincial governments. The importer, who purchases from the European manufacturer, buys on credit; the wholesale dealer buys from the importer on credit; the retailer and country store-keeper buy from the wholesale merchant on credit; the people buy on credit. In the case of the importer and wholesale merchant, their sales are usually made for time bills at six months, but in nearly every other case the custom is to sell on running account, and the purchasers pay when they can. Cattle men generally settle for their supplies when they sell their cattle, and sheep men when they sell their wool. One of the oldest merchants of Buenos Ayres has told me that "where one purchase of importance is made for cash ninety-nine are made on time."

CREDIT AND INFLATION.

The great trouble in this system of doing business is that it opens opportunities for too much credit, and the result has been a very large amount of overtrading. Three years ago, almost directly from this cause, there was a general suspension of specie payment throughout the country, and since then, instead of seeking to bring business back to a normal condition, the Government has rather increased the evil by increasing the volume of depreciated paper currency, until gold has now reached a premium of 77 per cent. The amount of irredeemable bank-notes in circulation at the end of last year was \$151,160,496; additional issue provided for, \$40,000,000; total circulation, \$191,160,496.

Of course, with the inflation of a depreciated currency there has been a corresponding inflation of prices. Every thing in the market has gone up to abnormal figures. The means of living have more than doubled. The price of rents in this city has trebled. Landed property in or near the centers of population has quadrupled in price. The people are "off their head" in all sorts of speculations—some of them of the most visionary character. Joint-stock companies, with millions of subscribed capital for almost every conceivable object, are the order of the day. Everybody that can command credit is borrowing from the banks or mortgaging his property for

ctdulas, or buying on time. Everybody is riding the wave of inflation. Unless, however, more care and a greater amount of prudence are displayed, it is greatly to be feared that a fatal under-tow will yet submerge the great majority of those who are thus hastening to get rich. I do not say that a commercial or business crisis is at hand, but it seems hardly possible that the present exaggerated condition can be long sustained. The great question at present agitating the Argentine Government is to discover what course had better be pursued in order to avert a catastrophe. Certainly a sudden contraction would be fatal, and yet continued inflation would appear to be equally disastrous. It is to be hoped that some way out of this dilemma will be made clear, and that the country, rescued from the present danger, will take a safer and a surer departure for the great future which, in spite of financial mistakes, is certainly in store for it.

VALUATIONS OF PROPERTY.

On the subject of the present valuations of property I find the following in the Buenos Ayres Herald of this morning:

OVERVALUATION.

It is no secret that speculation in lands has been incited and fomented by the facilities for borrowing, especially of *ctdula* issuing banks, both provincial and national, but largely aided latterly by private corporations. It has become a constant practice to place a wildly fictitious valuation on property, going so far as simulating figures at sales far in excess of the value of the property, and, on this basis, approaching lending concerns with an application for a sum naturally far in excess of the supposed half-value to be advanced thereon. We could point out cases where such a practice has been carried out to the point of lending the full cost of property and improvements and leaving in the hands of the borrower a handsome surplus, so that he could afford to abandon the property to the creditor and still make a large profit. This overvaluation has reached the point of a chronic disease, a great danger to the institutions involved and to the stability of public confidence. We have no doubt that our readers, many of them at least, could contribute cases of the kind to the long list that could be made up. The facts touching the case are simply shocking to all business conservatism and financial morality, the overvaluation in some cases having been enormous, and some fine day there will come an awakening and a convulsion which will astonish those even who are prepared for sensation.

JOINT-STOCK COMPANIES.

The mania for joint-stock companies with untold millions of capital is thus referred to by the Buenos Ayres Herald:

THE COMPANY CRAZE.

Ten years ago it would have been in vain that one should have tried to organize a joint-stock company in this city for any thing, no matter how sound and profitable. One or two gas companies, an insurance company, and a bank comprised nearly or quite the list of local companies. We had then, as we have now, many capitalists, but they looked with no favor on corporate associations, and so it came about that any one having in hand any such undertaking would hasten to Europe with it, not thinking to waste time in trying to do any thing. The change between that time and those conditions and the present is simply marvelous.

The reaction from that overcaution has carried us to the other extreme of unlimited recklessness—to the point of disease, a veritable stock-jobbing delirium. Now there is no scheme or company so wild that its shares do not find takers and speculators to operate. So fast and

so furious is their coming that probably not one of our readers could enumerate the half of those which have been organized within a year. The most absurd schemes are set forth with fabulous sums for capital, which the utmost success possible could not give returns which would pay 1 per cent. per annum. The end of the epidemic is not difficult to anticipate. It will be a crash and then chaos. There is no escape nor salvation from this. Many who understand this are in the swim, and think to unload before the day of doom dawns on some one less shrewd, but when the beginning of the end comes there will be a great number of these shrewd ones who will get caught and crushed under the ruins:

E. L. BAKER,
Consul.

UNITED STATES CONSULATE,
Buenos Ayres, August 10, 1889.

BRAZIL.

BAHIA.

REPORT BY CONSUL BURKE.

DEPRESSED CONDITION OF BAHIA.

I found it very difficult to obtain information on some of the questions submitted, on account of the depressed financial condition in this district or province of Bahia, chiefly the result of the law of May 13, 1888, emancipating the slaves throughout the Empire. Although the economic crisis from which the province is now suffering greatly was more or less felt for some time before the abolition of slavery, on account of the agitation of, the question and the uncertainty of the result as well as from minor causes, yet, it is said, it was the precipitancy of the emancipation measure, without any provision for compensating the slave-owners, that has produced the depression that is now felt. As agriculture is the chief business of the province—the principal articles raised being sugar-cane and tobacco, with some coffee and cacao and a few minor articles—it is not difficult to understand that the removal of slave labor from the plantations by statutory enactment, without providing for the substitution of other labor or remunerating the owners, would cause just such a financial paralysis as now prevails throughout this consular district. In addition to this, the drought that has prevailed and is still prevailing in the interior of this as well as other provinces has entailed serious consequences.

An idea of how the value of real estate and personal property would be likely to stand under the condition mentioned may be gained from the following figures, taken from the official report of the vice-president of the province of Bahia for the fiscal year ended June 30, 1888: Foreign loan was 9,581,300 milreis. Receipts for the fiscal year mentioned were 3,571,818 milreis, while the expenses were 3,561,724. For the fiscal year ended June 30, 1889, the foreign debt remaining about the same, the revenue to the province was estimated to produce 3,118,395 milreis, and the expenses were put down at 3,163,176, leaving a deficit of 44,781 milreis.

Without presenting further figures from this report, I shall only submit such information as interrogatories call for, gathered from sources that, as far as I can learn, are thoroughly reliable. To obtain statistical accuracy on, say, questions 3 and 11 would be attended with a great deal of labor and considerable expense, on account of the necessity of going through the records of the *tabellião*, or office of the notary public.

RECORDED INDEBTEDNESS.

All mortgages, liens, and judgments must be recorded in the *tabellião*, or office of notary public, in order that they be valid. They must also be recorded in what is called the special registration.

The valuation of taxable and assessed property can be obtained only by an examination of the books in the office of the *tabellião*, or notary public. This, however, is an estimate of the extent to which the sugar estates are involved, viz, fully two-thirds of these estates in this province are mortgaged to banks and private parties, as well as the greater part of house property.

Mortgages do not complicate or embarrass the transfer of land titles in a measure, for, as long as the mortgage continues, it can not be transferred unless the debt is transferred.

Recorded indebtedness is increasing, while estimated values are greatly decreasing, especially on the agricultural estates.

In regard to the possibility of arriving at a probable proportion of existing recorded and unrecorded indebtedness, nothing very accurate can be arrived at, excepting by an examination of the books in the office of the notary public.

LIENS.

Liens can be placed on either personal property, including crops, either by preference or confession of judgment, and such property is subject to execution. It is, however, of little use to place any lien on crops in the present condition of financial affairs. There is no exemption, except in case of a person dying intestate, when the heirs can claim exemption.

INTEREST.

The prevailing rate of interest is now 5 and 6 per cent. This is under the new loan and the new law enacted but a few months ago; formerly the rate was 10 per cent.

FORECLOSURES.

Mortgages can be foreclosed by action at law or by sale under power; at present, however, with great difficulty, on account of the embarrassed condition of sugar estates. Am unable to ascertain expense attached to foreclosures in either case.

PARTIAL PAYMENTS.

Whether partial payments be recorded or not depends on the contract or agreement between the parties. Whether the debtor loses all benefit, in case he defaults in part, depends on the contract or agreement, also, between the

parties. Agreement, then, is, in case of sale, presupposed. However, should there be no agreement between the parties on this point, the debtor under a forced sale is entitled by law to whatever amount was applied by him to the payment of the property sold, provided the property sold realizes a sum equivalent to that applied by him in the purchase of the foreclosed property. To save trouble and expense it is an advantage to both parties that an agreement should be drawn up and signed by each.

CANCELLATIONS.

Cancellations can be made privately or by action at law.

DAVID N. BURKE,
Consul.

UNITED STATES CONSULATE,
Bahia, August 14, 1889.

PARA.

REPORT BY CONSUL CLAYTON.

The answers herewith given have been furnished by Dr. Domingos O. B. Cavalcanti, one of the leading lawyers of Para, and translated by a Government translator.

RECORDED INDEBTEDNESS.

About immovable property, legal or conventional mortgage, law of the 24th of September, 1864, the legal mortgage is that which the law establishes for the following cases:

(1) It belongs to the married woman upon the immovable property of the husband —

(a) By the marriage portion.

(b) By the ante-nuptial contracts, exclusive of communion.

(c) By properties obtained through inheritance, legacy, donation during the time of matrimony, if such properties be left with the clause of non-community.

(2) To minors or interdicts upon the immovable properties of the guardians of the trustees.

(3) To the children under age upon the immovable properties of the parents that have administrated the goods belonging to the mother or adherent adventitious to the same children.

(4) To the children under age from first matrimony upon the immovable property of the father or mother who contracts a second marriage, having inherited any property of any child of first matrimony.

(5) To the treasury (*fazenda publica*), either general, provincial, or municipal, upon the immovable properties of their treasurers, collectors, trustees, tenants, contractors, or responsible parties (*fiadores*).

(6) To the churches' corporations upon the immovable properties of their treasurers, overseers, procurators, and syndicates.

(7) To the State and to the offended (*e aos offendidos*) or their heirs upon the immovable property of the criminal.

(8) To the co-heirs, by the guaranty of their share or partition (*partilha*), upon the immovable property of the inheritance, adjudicated to the replacing heir.

Excepting the cases first and second, all other mortgages must be specified, that is, designation and description, register of the onerated property.

There are, notwithstanding the hypothecary law and without the name of the mortgage, the real obligations which the code of commerce establishes in favor of certain credits on ships and merchandise. The commercial mortgage, that is, constituted by contract, must mention the immovable property upon which such mortgage is made, and also their standing place and characteristics.

The following articles only can serve as objects of mortgage:

(1) The immovable property by its own nature.

(2) The direct possession of emphyteutic goods.

(3) The useful possession of said goods, independent of the permission of the owner, who does not lose, in case of alienation, the right of option.

The following goods may also serve as objects of mortgage, jointly with the immovable properties to which they belong:

The accessories of the immovable property, instruments of agriculture, and fittings belonging to manufactures, respectively, adherent to the ground; animals mentioned in the contract.

The records (*registros*) are necessary, except those of married women, minors, and interdicts, the priority of same being determined by the date of constitution of said mortgages. All other legal mortgages are determined by the notations and successive inscriptions; the conventional mortgages by descriptions. According to the Brazilian legislation, even in the case of sale of immovable property the tradition takes place through the registering of the transaction at the general register for mortgages.

The law only fixes 9 per cent. interest at maximum for bills and hypothecary contracts by the banks of real credit. In case of sentence, there existing no agreement about the interest, it will be levied at the rate of 6 per cent. from the moment that the debtor has been called to conciliation before the judge of peace till the effective execution of the sentence, including the payment of judicial charges.

The mortgages do not prevent the alienation of the immovable property, but the latter one passes to the buyer with the onus of mortgage, and the hypothecary creditor has the right to take it from the power of whomsoever holds it to pay himself for the debt.

The tendency of recorded indebtedness, in proportion to estimated values, is toward increase.

It is possible to calculate the proportion of the registered indebtedness through the general register and by consulting the respective books, which are free to the public.

LIENS.

Besides the mortgage property, there is the guaranty named distraint (*penhora*) when such mortgage takes place in movable property, and which is effected by the delivery to the creditor; it is called *antichrese* when it refers to the immovable property with the clause that the creditor shall receive the rent, crops, or production until payment of debt.

INTEREST.

Interest is conventional, or calculated at the rate of 6 per cent. should there be no agreement.

FORECLOSURES.

The decree of 3272, of October 5, 1885, has admitted for the settling or liquidation of judicial mortgage, the executive process of articles 310 to 317, of the regulation No. 787 of November 25, 1850. Such process is the simplest one of the Brazilian Legislature. With the inscription of debt and that of mortgage the creditor requests the judge of commerce by a petition an order to the effect that the debtor should pay immediately (*em continente*), and, should he not comply with it, the mortgaged immovable property is taken from his hands or power by allowing him six days' time to disclose the reason of non-payment. Should he not do it, the movable property is appraised (*avariado*) and sold by public auction. Should there be no bidder at the first auction, an abatement of 10 per cent. is made in the valuation and it goes into second public auction, and if even so it finds no bidder, 10 per cent. is taken in abatement, and another 10 per cent for the third public auction (*leilão*). The creditor has the right to bid and to request or to make a petition to the effect that the immovable property be adjudicated. Either in the adjudication or sale by power of attorney the tax called excise (*siza*) is paid in transmission of property and calculated at 6 per cent. on the value of immovable property. The charges for the judicial and executive process are small; however, such charges can not be calculated in exact manner, as they increase or decrease according to incidents of judicial procedure. Such charges are paid by the debtor.

PARTIAL PAYMENTS.

The mortgages can be liquidated by installments according to agreement entered in the contract, it being understood that, should the debtor not pay the first installment, the other ones are considered due, and the mortgage can be liquidated. It is not necessary to have all partial payments registered; they become proved or evident by the acquittance (*quitrica*) written by the creditor; nevertheless, it is allowed to register them.

CANCELLATIONS.

The legal way to settle (*extinguir*) or extinguish the mortgage is to cancel (*dar baixa*) the same at the respective registrar.

ROBERT T. CLAYTON,

UNITED STATES CONSULATE,

Consul.

Para, July 22, 1889.

RIO GRANDE DO SUL.

REPORT BY CONSUL BENNINGTON.*

RECORDED INDEBTEDNESS.

The system adopted in this district is the same as throughout the Empire. Debts contracted with guaranty or mortgage on immovables or real property are registered in the general registry of the mortgages in the district where they are situated, of which there are thirty-two in this province, which includes an area of 118,000 square miles. The debt is guarantied for thirty years, and even before the expiration of that term the prescription can be interrupted and made effective for thirty years more by petition to a competent judge, with citation of the party owing or his heirs.

Debts contracted with guaranty of movables, personal property, are registered in the chamber of commerce in the capital of the province.

Mortgages or hypothecas are not given on movable goods, but they may be pledged by a kind of deed called *escriptura publica*, made before a notary and registered as above stated, differing in terms and effect from a mortgage. Crops, pending products, may be mortgaged in the ordinary way and registered in the general registry.

All legal proceedings — criminal, civil, and commercial — are regulated by codes of procedure adopted for the practice of law before the various courts throughout the Empire, and the law in force for execution of those debts is the commercial code in its ordinary course.

Commercial actions are divided into proceedings which may be termed summary, ordinary, and arbitrations, which may be agreed to pending legal proceedings by the parties. Executions follow the judgments and awards, all rights and obligations being subject to the code, article No. 18. A confession of debt, with documental proof filed before a competent judge, is sufficient for judgment and entitles the plaintiff to immediate execution. All matters in controversy, not exceeding 500 milreis, are adjudged and determined by the municipal or commercial judge, there being no juries called except in criminal cases, and when the amount exceeds the sum of 500 milreis, the causes are determined by the judge of right. In all cases where the municipal or commercial judge has original jurisdiction the right of appeal lies to the judge of right. In all cases where the judge of right has original or concurrent jurisdiction an appeal lies from the judge of right to the *tribunal relucção*, or supreme court of the province, and in a certain class of cases from this court to the *tribunal supremo*, or supreme tribunal, at Rio de Janeiro. From the sentence of arbitrators, if it is so agreed by the parties, there can be no appeal. All judgments are registered in the general registry; in fact, all papers, records, and every thing in connection with the proceedings of

* In the preparation of this report I was materially assisted by Sen. Joaquin Antonio Diés de Oliveira, general registrar of this district, and by Dr. Jardim, attorney at law, who cheerfully gave me such information as I desired on the subject.

the courts are kept in the general registry, which is in charge of one of the notaries of the district.

RATIO OF MORTGAGES TO TOTAL VALUATION.

The probable proportion which mortgages and judgments bear to total valuation of assessed and taxable property can not be answered even approximately without a knowledge of the assessed value, for purposes of taxation, of all the property in the different districts of the province, as well as the amount of registered indebtedness. As lands and much movable property are not taxed, I apprehend the rate is high compared with taxable property, but not, in fact, high if compared with the real value of the property of the country.

To insure validity mortgages must be registered, otherwise they would constitute no lien.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Recorded judgments and mortgages certainly complicate and embarrass, to a certain extent, the transfer of land titles in this as well as every other country, but the law provides that mortgages may be transferred from one creditor to another, without impediment or prejudice to vested rights, by means of a public debt.

The registry of debts secured by mortgage tends toward increase.

UNRECORDED INDEBTEDNESS.

It is impossible to arrive at any proportion of unrecorded indebtedness without making inquiry about matters which are of a strictly private business nature. The Imperial Central Government receives annually, from all the districts, a map or statement showing the movements of the general registries. Consequently, in the judicial statistic department the amount of debts under mortgage throughout the Empire is known.

LIENS.

Mortgages are placed only on immovables, with their accessories, and affect this kind of property only, but not the crops, which may be mortgaged separately. This kind of guaranty has preference over all other rights. There are no restrictions, but are preferential and privileged over all other debts and are executed by judicial process.

INTEREST.

The customary rate of interest on conventional mortgages varies between 6 and 12 per cent. The rate fixed by law in absence of an agreement is 6 per cent. per annum.

FORECLOSURES.

Mortgages are made express guaranties by law, but do not give the creditor right of possession of the immovables or property, only that of priority. The method of foreclosure is by judicial proceeding, and the expense is pro-

portionate to the amount of debt, most of which is paid by the purchaser of the property.

PARTIAL PAYMENTS.

Any alteration in diminution of the value of the mortgage must be made by public deed and noted in the registry. When increased the original must be annulled and a new mortgage made. Mortgaged immovable property remains attached for the benefit of the creditor in every respect until the payment or execution of the debt. The creditor is entitled to the benefit of all payments made, and the surplus, if any, of the proceeds of the property in case a sale is made.

CANCELLATIONS.

The mode for canceling is by public deed, and a mortgage may be annulled if there be want of formalities, wrong, or fraud, as, for instance, the mortgage made by a merchant within forty days of his declaration of bankruptcy in guaranty of anterior debts. The process of annulment is made in the ordinary form under the code.

LEBBEUS G. BENNINGTON,

Consul.

UNITED STATES CONSULATE,

Rio Grande do Sul, July 29, 1889.

BRITISH GUIANA.

REPORT BY CONSUL WALTHALL, OF DEMERARA.

RECORDED INDEBTEDNESS.

In order to understand the system of records prevailing in British Guiana, it may be proper to explain that in this colony, instead of separate clerkships and offices of record for the several courts, there is one consolidated registration office for the whole colony, administered by a registrar-general, who serves—either personally or through his deputies or assistants, officially styled “sworn clerks”—as clerk to the various courts of record. His duties are described (unofficially) as comprising those of registrar of the supreme courts, of civil and criminal justice, court for Crown cases reserved, review court, and inferior courts of civil and criminal justice. With these functions are combined those of registrar of deeds, principal notary public and conveyancer, registrar of joint-stock companies, of patents and of votes, of births and deaths, etc. These various duties require the services of a large staff of deputies; clerks, notaries, and other assistants, not only in the central office, but in other parts of the colony. Mortgages on real estate are signed before a judge and become parts of the records of the registrar’s office, to which reference may be made by means of an index. These are advertised before they are passed by the judge.

It seems impossible to obtain even an approximate estimate from the office of the registrar-general, bank officers, or any source of information that has been consulted in regard to the probable ratio mortgages and judgments bear

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to total valuation of taxable and assessed property. The few well-informed men of business that have hazarded a conjectural opinion vary very widely from each other, their estimates of the amount of property thus encumbered ranging all the way from 4 to 25 per cent. of the whole. Mortgages do not complicate or embarrass the transfer of land titles.

As to whether recorded indebtedness is increasing or diminishing in proportion to estimated values, nobody consulted seems willing to risk even a conjecture.

UNRECORDED INDEBTEDNESS.

Strictly speaking, there are no unrecorded mortgages in British Guiana, or, if such exist, they have no legal validity.

LIENS.

Under existing usages mortgages are not given on personal property, but it is believed that they might be advertised and passed in the same way as on real estate. Such property is subject to execution. There are no exemptions unless, perhaps, that of the implements of an artisan, which are generally supposed to be exempt from execution, though the question has never been judicially tested.

INTEREST.

The legal rate of interest, unless otherwise specified, is 6 per cent., but any other rate, by special contract, is permissible and may be enforced by legal process.

FORECLOSURES.

The registrar-general favors me with the following: "Mortgages are foreclosed by action at law. If an affidavit supporting the mortgage claim is filed with the claim in the registrar's office (to be submitted to the judge), the action can not be defended except by leave of the judge on affidavit filed by defendant."

In this answer nothing is said as to the expense, which would presumably depend, in a great measure, upon circumstances. If no defense were made, the costs would be moderate.

PARTIAL PAYMENTS.

The registrar-general replies to this query as follows: "Receipts for partial payments are given on the authenticated copy (from the registrar's office) of the mortgage held by the mortgagee. They could be, though they are not, recorded. The penalty incurred by the mortgageor in default depends upon the terms of the mortgage."

CANCELLATIONS.

The cancellation is made by deed, also signed before the judge and recorded in the office of the registrar. Transfers, to be valid, must also be recorded in the registrar's office. They can be executed before any of the notaries in that office.

ACKNOWLEDGMENTS.

For the information contained in this report the writer is chiefly indebted to the kindness and courtesy of E. H. G. Dalton, esq., registrar-general of British Guiana, and M. P. Olton, esq., attorney at law, a sworn clerk and notary in the registration office.

W. T. WALTHALL,
Consul.

UNITED STATES CONSULATE,
Demerara, August 24, 1889.

CHILI.

REPORT BY CONSUL VAN INGEN, OF TALCAHUANO.

RECORDED INDEBTEDNESS.

The mortgage in Chili is the right of lien upon personal property, real estate, houses, etc.

In order to be valid all mortgages must be recorded.

INTEREST.

The rate of interest at the present day is 8 per cent. per annum, although nominally a little less is charged.

Mortgages do not seriously embarrass the transfer of land titles, as the transfer can be made subject to the conditions of the mortgage.

UNRECORDED INDEBTEDNESS.

It is impossible to arrive at any exact calculation as to the ratio which mortgages bear to total values, as no statistics are published.

LIENS.

Mortgages are made on personal property, but not on crops, which last are often compromised in favor of creditors, but are not subject to execution in the same manner as mortgages are executed. There are no exemptions, as I understand the law.

Banks that negotiate in mortgages advance 50 per cent. on their assessment.

FORECLOSURES.

Mortgages are foreclosed by action at law. The fees are nominal, and nearly all notarial.

PARTIAL PAYMENTS.

Partial payments are allowed, and the debtor loses nothing so long as he can prove payments, the proper way being to have the notary's certificate of payment, which saves any after-trouble.

CANCELLATIONS.

The ordinary form of canceling a mortgage is by acknowledgment before a notary in the same manner as a mortgage is given.

JOHN F. VAN INGEN,
Consul.

UNITED STATES CONSULATE,
Talcahuano, August 20, 1889.

ECUADOR.

REPORT BY CONSUL-GENERAL McGARR, OF GUAYAQUIL.

RECORDED INDEBTEDNESS.

Hipotecas, or mortgages of real property, and judgments are the only forms of recorded indebtedness. Mortgages of real property are executed by public instruments before a notary and notice thereof published in a newspaper, if there be one in the canton or district in which the lands and appurtenances are situated; or, if there be none, publication is made by printed or written notices posted in the three most public places of the canton. Afterwards authenticated copies of the public instruments made before the notary are recorded in the proper registry of the canton or district. Without these requisites mortgages have no validity, and their date is reckoned only from the time of their registration. Mortgages can be made only upon real estate possessed absolutely or in usufruct and upon ships or vessels. Mortgage contracts executed in foreign countries on real estate in Ecuador are recognized as valid, provided they be inscribed in the proper registry and notice be given as required in other cases. If the immovable property be in several cantons, registration must be made in each. The mortgage gives to the creditor the right to follow the mortgaged property whosoever may be in possession and whatever title he may have acquired subsequent to the mortgage.

Judgments are made matters of record in the courts where they are rendered, but they give no lien in the absence of proceedings in execution.

Chattel mortgages are not authorized by any law of this country, and they have no validity here. But a chattel may be pledged as security for a debt. To constitute the contract of pledge the chattel is delivered into the possession of the creditor, and any movable thing may be so delivered. A credit may be given in pledge by delivering the evidence thereof to the pledgee, provided the creditor give notice to the debtor of the delivery and forbid him to pay the debt to any other person. In default of payment the pledgee has the right to have the thing sold at public auction and the proceeds applied to the payment of the debt. If there be no admissible bids, the pledge may be valued by experts and adjudicated in payment to the extent of its value, the creditor having the right to proceed in the usual way for the balance due. If the thing pledged does not exceed \$120 in value, the judge may, on the petition of the creditor, after the appraisement, adjudicate it to him without proceeding to public sale. There can be no valid stipulation giving the creditor the faculty of disposing of the pledge or appropriating it to the payment of his debt.

The probable ratio which mortgages and judgments bear to the total valuation of taxable and assessed property is about one-sixth in this province (Guayas). I have no means of information with respect to the other provinces of the Republic.

All mortgages must be recorded, otherwise they will have no validity.

Mortgages do not embarrass or complicate the transfer of land titles. The owner of property charged with a mortgage may always alienate it, even though there be a stipulation in the mortgage contract to the contrary.

Recorded indebtedness is increasing in the form of mortgages.

LIENS.

Liens are not placed on personal property otherwise than by pledging and delivering the chattel to the creditor,* except in the case of ships or vessels.* No lien can be created on growing crops as distinct from the land, either by preference or confession of judgment. Creditors have no preference unless they are secured by mortgage or pledge. Personal property, like real property, is subject to execution of judgment. The exemptions are: (1) One-half of the salary of employes in the public service and of all pensions paid by the Government; (2) the bedding of the debtor, of his wife and children who live with him, and their necessary clothing; (3) the books relating to the profession of the debtor to the value of \$200, to be selected by the debtor; (4) the mechanism and instruments which serve the debtor for teaching any art or science, to the same value and subject to the same election; (5) the uniforms and equipments of soldiers according to their service and grade; (6) the utensils of the artisan debtor or agricultural laborer necessary for his individual work; (7) the articles of food and fuel which are in the possession of the debtor necessary for the consumption of the family for one month; (8) the property in things which the debtor may possess financially; (9) real property given or devised with the expressed declaration that it shall not be subject to execution, provided that its value be fixed at the time of delivery by appraisalment judicially approved, but it will be liable to execution for any additional value afterwards acquired.

FORECLOSURES.

Mortgages are foreclosed by action at law. The expense (which falls upon the debtor) of the proceedings is generally moderate, and not greater than in the United States in like proceedings.

INTEREST.

The prevailing rate of interest on mortgage paper, as well as judgments, is from 10 to 12 per cent. per annum.

PARTIAL PAYMENTS.

Partial payments may be made with the same formalities as those for the constitution of the mortgage, but they are not necessary. The mortgage disappears whenever it is legally proved that the obligation to which it is attached is extinguished. It is optional with the debtor to make evident in

* In a suit pending for a money demand a provisional seizure of the personal property of the debtor may be ordered by the judge when it is made to appear that the affairs of the debtor are in a bad condition, and the property so seized is held to await the judgment of the court. A lien, or something in the nature of a lien, is thereby created in favor of the creditor.

the registry a partial payment, but by omitting to do so he does not lose the benefit of the payment, which may be shown by other means prescribed by the law, viz, public or private instruments, admission of the creditor, and witnesses of the payment; but proof by oral testimony is not admissible to establish a payment exceeding \$200. The debtor does not lose the benefit of any payment by defaulting in part.

CANCELLATIONS.

Another inscription in the same registry, to which a note is placed in the margin making reference to the canceled inscription, and to this latter another marginal note referring to the former, is the ordinary form of cancellation.

It is hardly possible to arrive at a probable proportion of recorded and unrecorded indebtedness. The unrecorded indebtedness due to banking and other moneyed institutions might be ascertained, but that due to individuals can not, and the proportion, therefore, can be only a matter of loose conjecture.

OWEN McGARR,

Consul-General.

UNITED STATES CONSULATE-GENERAL,

Guayaquil, August 5, 1889.

FALKLAND ISLANDS.

REPORT BY CONSUL LASAR, OF PORT STANLEY.

RECORDED INDEBTEDNESS.

Mortgages on real and chattel property, liens, and judgments, both decreed and confessed, prevail in this district.

LIENS.

There are liens here had on all kinds of property without any exemptions. All mortgages must be recorded.

The prevailing rate of interest on mortgage paper, as well as judgments, is 5 per cent.

Mortgages complicate and embarrass the transfer of land titles.

Mortgages are foreclosed, of course, at expense of mortgageor — can not tell what amount.

Recorded indebtedness, in proportion to estimated values, is diminishing.

If by installments, they are so paid off accordingly without any further action or proceeding documentarily.

HENRY S. LASAR.

Consul.

UNITED STATES CONSULATE,

Port Stanley, F. I., July 30, 1889.

PARAGUAY.

REPORT BY CONSUL HILL, OF ASUNCION.

RECORDED INDEBTEDNESS.

There are mortgages on real property (*bienes raices*) but not on chattels (*bienes muebles*). (See codigo civil, B. 3, title 14.) Mortgages here are varied in effect, special clauses subordinating to conditions or modifying the obligations arising out of the contract. Examples —

Venta de satisfacer el comprador; venta con pacto de retroventa; venta con pacto de reventa; venta con pacto de preferencia; venta con pacto de mejor comprador. (See codigo civil, B. 3, title 3, chapter 4.) There are liens (*derechos de retencion*) and judgments (*actos juridicas*).

There is no valuation of property for adjustment of taxation, since the Government does not raise revenue by the imposition of taxes on land or land values; therefore, the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property can not be given.

Mortgages not recorded are ineffective as against third parties, but hold good as between the principals.

Mortgaged lands can not be transferred without co-operation of the mortgagee; with his consent there is no complication or embarrassment.

Values are increasing in a greater ratio than indebtedness.

UNRECORDED INDEBTEDNESS.

It would seem to be impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

LIENS.

Liens are placed on personal property, including crops, by preference and confession of judgment, and such property is subject to execution of judgment.

INTEREST.

The prevailing rate of interest on mortgage paper, as well as judgments, is 1 per cent.

FORECLOSURES.

Mortgages are foreclosed by action at law, but not by sale under power.

PARTIAL PAYMENTS.

Partial payments must be recorded to be set off against mortgage obligations, but these can be extinguished only by the payment in full.

CANCELLATIONS.

The official registrar cancels mortgages on consent of parties, testified by deed, or on payment so testified, or on sentence passed in judgment by the courts.

FRANK D. HILL,
Consul.

UNITED STATES CONSULATE,
Asuncion, August 14, 1889.

REPUBLIC OF COLOMBIA.

REPORT BY VICE-CONSUL WHELPLEY, OF BARRANQUILLA.

PREFATORY REMARKS.

Before replying seriatim on the lines proposed, I beg leave to offer the following prefatory remarks, in regard to common forms of indebtedness, as of cognate interest, although not strictly on the lines of interrogation.

There are four classes of indebtedness prevalent here, besides those embodied in the questions, as being on collateral or landed security. I specify them "classes" for convenience of description.

The first is by a promissory note, for value received, on stamped paper of the proper value, with or without a defined rate of interest. This must be recorded in the bureau of registration, and, if subject to collection by legal process, covers every thing of which the debtor may be possessed in liquidation of the claim, the indorser being held next in responsibility.

The second is a similar note, also on stamped paper, but not recorded; it must be recorded, however, before it can be collected by legal process. The liabilities of the maker and indorser are the same as before explained in the first class.

The third is a simple note, or promise to pay—an acknowledgment of debt—not upon stamped paper, and not recorded. The signature of the debtor or maker of the note would have to be proven, if denied, to render it subject to judgment for collection.

The fourth is an ordinary personal debt for value received without written evidence, and is not available for legal process. To the honor of the poorer class of people, mechanics, and small tradesmen, it may be said they rarely fail to meet such obligations.

With this explanation of forms of confessed indebtedness not secured by mortgage I will limit my report to the lines defined in your circular,

RECORDED INDEBTEDNESS.

Mortgages of any class must be drawn up by the notary of the district on stamped paper. The price of the paper varies from 20 cents a sheet for property less than \$500 in value to \$1 each, according to the estimated value of the property to be mortgaged. The document must describe in minute detail all of the circumstances in regard to the property and its ownership, defining its boundaries and extent, if landed property. In ordinary cases four or five sheets of stamped paper will be used. The document must be signed and witnessed by two witnesses in the presence of the notary. The witnesses must be of legal age; if any doubt exists on that point, a properly attested proof on stamped paper may be called for by the notary. If the mortgageor is married, his wife must also sign the mortgage.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property can not be answered with any degree of certainty.

Many mortgages are securities of a confidential nature and are not recorded, but no mortgage is valid for judicial action until it is recorded.

There may be exceptional cases where mortgages do not complicate the transfer of real estate, but the usual result of mortgaging is a legal contest that places the parties in the attitude of plaintiff and defendant. The property involved is then in chancery, so to say, into which a third party would not be inclined to enter, not even with the formal consent of both mortgageor and mortgagee, neither of whom can be certain of success in the cause at issue, or capable of judging what may be left of the value of the property or the time of its final adjustment.

I can not answer as to whether recorded indebtedness is increasing or diminishing in proportion to estimated values, for want of statistics.

UNRECORDED INDEBTEDNESS.

Probably one-third of the indebtedness here is unrecorded. Mortgages may be pending as security on private transactions. The registry for recorded mortgages is a confidential bureau, and there is no available statistical record of taxable and assessed property. I inclose a notarial report, by which it seems eleven new mortgages were recorded and nine were canceled, and seventy-eight pieces of property changed owners by sale, gift, or inheritance during the first six months of 1888.

LIENS.

Liens can be placed on any thing owned by the debtor, even to his future personal labor. He may enter into voluntary servitude (peonage) at a certain rate per diem towards liquidation of a debt, but by preference only, and such a voluntary contract would be considered binding. But this phase of indebtedness belongs more properly to the system of domestic servitude rather than to that of commercial interest. Again, by mutual agreement the products of real estate can be mortgaged to a creditor. A tenant can mortgage the crops by consent of his landlord, the owner of the land. This must be by a document, on stamped paper, from the said tenant to the creditor, assigning control of the products to him in payment of, or for security of, an alleged debt. But this article gives no right or claim against the land, the property of the landlord, nor against the rents previously agreed upon. Crops may be mortgaged to one creditor while the real estate is already mortgaged to another, or *vice versa*.

A creditor holding a mortgage against the crops can not be deprived of his rights against them unless secured in some other way. For such security he can retain crops, furniture, stock, tools, and all other portable effects belonging to the debtor, who can not resume control of the effects until the debt is paid; but the mortgagee can give up the right of control and foreclose if he chooses to do so. There are no exemptions in issue of a legal

action except the working tools of an artisan or mechanic, or effects exclusively feminine.

INTEREST.

Local customs and the class and character of securities are to be considered. The yearly rate of legal interest is 9 per cent., but, there being no law against usury, rates of interest are controlled in a measure by the needs of one party and the cupidity of the other. Cases have been cited where 4 per cent. a month has been paid on a forced loan. One and one-half per cent. a month is being paid on a mortgage in this neighborhood at the present time and 2 per cent on another.

FORECLOSURES.

A mortgage can be foreclosed by action at law; general cost, 2 per cent. on the total valuation. A power of attorney can be given to foreclose, which would cost from \$6 to \$8, expenses and percentage of sale not included.

PARTIAL PAYMENTS.

Partial payments should be registered by the recorder of the district, usually by a notation at the foot of the mortgage of amount paid and date of payment. Partial payments not so registered are at the option of the creditor to allow credit for such sums or not, or it may be a matter of special agreement.

CANCELLATIONS.

This must be by another notarial document, on stamped paper, more or less a repetition of the mortgage, explaining cause and particulars of cancellation; made, signed, witnessed, and registered with the same formalities, at a cost of 2 per cent. on the value of the property. A certificate of cancellation is then written on the first page of the mortgage, at right angles with the original record, and signed by the registrar. This is usually done with red ink.

CONCLUSION.

Corporations or firms, to bring their business transactions within the pale of legal jurisdiction and protection, before opening a set of books—day-book, journal, and ledger—must submit them to the judge of the district. A certificate that the books are entirely new is written by the secretary on the first page; is signed by the judge and secretary, and the rubric at the close of the signature must be repeated on each and every leaf throughout the set at a cost of 5 cents a leaf. Books not so inaugurated have no legal status in court. There is no romantic side to Colombian law; no special pleading or opportunity for forensic eloquence; those mythical individuals, "John Doe" and "Richard Roe," are never cited to appear, etc. The law deals only with tangible individualities, reduces every thing to written matters of fact, and stamped paper is its Alpha and Omega.

Statistical report of mortgages and change of ownership of property for the six months ended June 30, 1888, in first notarial district of Barranquilla.

Months.	Property mortgaged.		Canceled by authority.	
	No.	Value.	No.	Value.
January.....	1	\$80.00	2	\$2,300.00
February.....	3	11,040.00	2	900.00
March.....	1	20,000.00	3	40,125.00
April.....			1	800.00
May.....	6	182,542.00	1	91.70
Total.....	11	213,662.00	9	43,616.70

Months.	Change of owners, suburban.		Change of owners, town.			
	By sale or gift.		By sale or gift.		By inheritance.	
	No.	Value.	No.	Value.	No.	Value.
January.....			7	\$6,160.00		
February.....	3	\$2,480.00	9	7,224.00		
March.....			19	25,663.40	7	\$32,000.00
April.....	2	450.00	15	7,995.10	3	666.00
May.....	1	50.00	11	1,001,489.60		
June.....			7	1,816.00		
Total.....	6	2,980.00	68	1,050,348.10	10	32,666.00

S. M. WHELPLEY,
Vice-Consul.

UNITED STATES CONSULATE,
Barranquilla, July 14, 1889.

COLON (ASPINWALL).

REPORT BY CONSUL VIFQUAIN.

RECORDED INDEBTEDNESS.

There is an office specially devoted to recording the mortgages on real estate, liens, and judgments decreed, where the interested party has his deed or copy of the judgment registered on paying a fee, which varies according to the nature of the debt.

One-fourth of the taxable property may be said to bear mortgages. Here there is only the tax on houses, which affects the property in a direct manner. The record of mortgages is absolutely necessary, or else the legality of the document is null and void.

The receiving of mortgages being very systematically and well conducted, and all parties interested being able to ascertain, without cost, what property is or is not mortgaged, the transfer of property is not complicated or embarrassed through mortgages. In this consular district there is no real estate,

so called. For instance, here in Colon the Panama Railroad Company has, through its charter, complete control of the lands, but it can not sell an inch of it. For the period of one hundred years from the time the charter was granted the Panama Railroad Company is to enjoy that concession; after that it returns to the Government of Colombia. The railroad company can only lease lands. Along the line of the railroad outside of the city of Colon the lands are near either to the railroad or the canal, and are very much subject to the same rule as here. In one word, there is no real estate title in my consular district to be mortgaged.

Owing to the unprecedented fall in business which has taken place in my consular district, especially here in Colon, since work on the canal has ceased, the recorded indebtedness is rather increasing in proportion to the estimated values of property. Property that rented for \$2,600 per month in January, 1888, brings now only some \$600 or \$700. It is safe to say that one-third of the business houses have closed since December last, if not one-half.

Mortgages being almost the only recorded indebtedness, I deem it hardly possible to estimate a precise numerical proportion between recorded and unrecorded indebtedness. Commercial debts, by far superior to all the rest, are seldom if ever mortgaged.

LIENS.

Personal property of any kind may be pledged for debts by confession, and in some instances—when one rents a house, for instance—the chattel property found therein bears a legal lien specially subject to execution of judgments, as compared with other debts, otherwise no exemption.

INTEREST.

Twelve per cent. per annum is the prevailing interest.

FORECLOSURES.

Mortgages are foreclosed by action at law, or by sale under power, if so agreed upon. The expense is about 10 per cent.

PARTIAL PAYMENTS.

There are no special provisions made for partial payments. They are not recorded. A provisionary receipt is given to the debtor, who, on the other hand, does not lose the benefit of that payment in case of partial default.

CANCELLATIONS.

Canceling is performed by a note written on the record of the deed by the notary public who keeps the record, and the word "canceled" is by him written in red ink on the copy presented.

VICTOR VIFQUAIN,

Consul.

UNITED STATES CONSULATE,

Colon, June 3, 1889.

STATE OF ANTIOQUIA.

REPORT BY VICE-CONSUL LUCIANO SANTA MARIA, OF MEDELLIN.

RECORDED INDEBTEDNESS.

A mortgage is made or written on stamped paper in the presence of a notary appointed by the President of the Republic and two witnesses. This document is kept by the notary, and he only gives a copy to the interested parties, which must be recorded by the register of public deeds within a certain time (twenty days), otherwise it can be annulled.

Indebtedness on chattel property, property which is not real estate, liens, and judgments, both decreed and confessed, are made out on stamped paper and are subject to execution. It must be signed in presence of two witnesses, who also sign.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

As a general rule, mortgages complicate the transfer of titles. As in Antioquia nobody likes to buy mortgaged property, it gives rise to many complications. The principal one will be understood in the answer to the interrogatory on foreclosures.

RATIO OF MORTGAGES TO TOTAL VALUATION.

Property is not taxed in Antioquia. To ascertain the real estate mortgaged in Antioquia would require many months of work, and even then it would not be correct, as it varies day by day.

RECORD OF MORTGAGES.

All mortgages, as I said before, must first be made out in the presence of the notary and two witnesses, and afterwards registered by another official called "register of public deeds."

INCREASE OR DECREASE OF MORTGAGES.

If a mortgage is foreclosed by action at law, it is sold by auction and the mortgagee receiving what is due him. If there is any surplus, it belongs to the mortgageor. If, on the contrary, there is a deficit, the mortgagee loses it once he has foreclosed by action at law. A private transaction between the mortgagee and the mortgageor can, of course, change every thing.

LIENS.

Liens placed on personal property, including crops, are subject to execution of judgment. There are no exceptions provided there are no prior claims.

INTEREST.

The prevailing rate of interest on mortgage paper, as well as judgments, is 10 per cent. per year.

FORECLOSURES.

The law obliges that all mortgages have a certain time, and if it is not specified the mortgage is null. When the time has expired it can be foreclosed by action at law, at the will of the mortgagee. The mortgageor can, however, dispose of his property or titles before the fixed time has expired, but in the deed made he is obliged to mention that the said property is mortgaged. Besides, the notary holds the original deed, which is also recorded by the register of public deeds. The mortgageor has to pay all the expenses. This expense is sometimes very considerable, but varies so much that it is out of the question to say how much percentage it is on the value of the debt.

PARTIAL PAYMENTS.

If no specification has been made in a deed, the creditor can receive or refuse a partial payment, as he may decide. It is not necessary to record a partial payment; a receipt on stamped paper is valid, and the debtor is only responsible for the balance of what he owed.

CANCELLATIONS.

A mortgage must be canceled the same way it was made—in presence of a notary and two witnesses, and afterwards registered. Obligations are canceled by writing on the face of the document the word “cancelado,” date, and signature of the creditor. Judgments are canceled by a judge, who receives the money from the debtor and hands it over to the creditor, who is obliged to give a receipt of the sum he has received.

LUCIANO SANTA MARIA,

Vice-Consul.

UNITED STATES CONSULATE,

Medellin, October 24, 1889.

PANAMA.

REPORT BY CONSUL-GENERAL ADAMSON.

RECORDED INDEBTEDNESS.

There exists here a system of recorded indebtedness similar to that of the United States in mortgages on real estate and liens, and judgments, both decreed and confessed.

There is also a *pacto de retrovender*, or agreement to resell to the vendor, which is a complete deed of sale, in which the borrower conveys his property to the lender with the proviso that the seller may take back the property within four years on return of purchase money and stipulated interest. This form has almost entirely superseded the old system of mortgages.

Chattel property can not be mortgaged, excepting that the cattle, agricultural implements, and machinery may be hypothecated with the estate to which they belong. Such movable property is classed by the law as “immovable,” which is probably due to the fact that land, other than town lots,

has but little value apart from the cattle it supports or the implements and machinery used upon it.

LIENS.

Liens can not be placed upon personal effects such as are classed by law as "movables." Personal effects may be pledged or put in pawn, but can not be mortgaged to a creditor and still be retained in possession of the debtor. The law permits a lien to be given on the crop, which then becomes subject to execution, but such a lien was probably never given here.

The property which, by turn, is exempt from execution of judgment is as follows, viz:

- (1) One-half of the salary, revenue, or pension which the debtor enjoys from his employment, office, profession, or any other source.
- (2) Necessary bedding and clothing for himself and family.
- (3) Books relating to his profession to the value of \$200.
- (4) Machines and instruments used by the debtor in teaching any science or art, to be selected by the debtor and up to \$200 in value.
- (5) Military equipments and uniform of the debtor.
- (6) The utensils of an artisan or common laborer required for his own use.
- (7) The food and fuel in possession of a debtor and necessary for the use of his family during a month.
- (8) Articles held by the debtor as trustee.
- (9) Rights the exercise of which are entirely personal, such as those of use and habitation.
- (10) Real estate given or bequeathed with a stipulation that it should not be hypothecated, and the value thereof being judicially determined by taxation, but such property may be embargoed for additional value subsequently acquired.

It is impossible to give the probable ratio of mortgages and judgments to the total valuation of taxable and assessed property. Taxes are not levied on the value of real estate, but on the revenue obtained from it. A cattle farm pays so much a head on the cattle. Town property pays a percentage (8 per cent.) on the rental thereof. A house that has been vacant six months is not taxed.

All mortgages must be recorded; if not so recorded, they would not bind the property against another party who had recorded his mortgage.

Mortgages do not complicate the transfer of land in the sense of making legal difficulties; but a mortgage on a property, if not terminable at a very early period, would make it difficult to sell the property.

As a rule, men here buy only for investment, and a man who has the money to do this does not want to take a mortgage which has some years to run and on which he must pay the high interest stipulated for at a time of dire necessity.

Values of real estate have greatly diminished in this department within a year, and recorded indebtedness is therefore higher in proportion.

INTEREST.

The prevailing rate of interest on mortgages has ranged from 12 to 24 per cent. per annum during the last six years, and the latter rate has been by far the most frequent. On judgments obtained by suit the law allows 6 per cent. per annum from the time the debt became due.

It may not be out of place to remark here that during the flush times of the canal operations impecunious persons who obtained contracts would borrow money at exorbitant rates, securing the lender by authorizing him to receive from the canal company all payments on account of said contract. For such loans, made to commence operations, 1 per cent. a day was frequently paid.

FORECLOSURES.

Mortgages are foreclosed by action at law and by sale under power. The expenses are six-tenths of 1 per cent. on the proceeds of sale at foreclosure, the cost of advertising, \$2 for the court crier, and possibly \$2 or \$3 for some other petty charges.

PARTIAL PAYMENTS.

Unless partial payments on mortgages or payments by installments were stipulated for, the creditor is not obliged to receive part pay.

If payments by installments were agreed upon, such payments should be recorded when made. At the same time it is true that receipts for such partial payments, if made on stamped paper and duly reciting what it was payment on, would be sufficient to warrant cancellation of the mortgage if presented after making final payment.

If the debtor should default in one payment, the subsequent installments would at once become due without waiting for expiration of final period.

CANCELLATIONS.

A memorial should be addressed to the notary public stating the facts in regard to the payment of the mortgage and requesting its legal cancellation. As I happen to have a legalized copy of the cancellation of a mortgage before me, I translate the memorial part of it, omitting names, viz:

To Notary No. 2 of the Province of Panama.

SIR: Please enter on your record of public instruments for the present year a writing to the effect that I, an adult native and resident of this city, and with free administration of my property, have received from ———, merchant of this city, to my entire satisfaction, the sum of 2,000 pesos (\$2,000) in soles, for the cancellation of the mortgage on a house belonging to ———, and given in my favor according to the public instrument No. 153, of the ——— day of ———, 1888. The said sum, together with the interest thereon up to this date of 1,500 pesos (\$1,500) have been paid to me by ———. Wherefore I do declare that the said house is free from all charge or compromise on account of the mortgage now canceled, and I hereby renounce all the rights and privileges which I had acquired in regard to said property, as also every kind of claim whatsoever. Be pleased, Mr. Notary, to add hereto such customary clauses as may be necessary to give validity to this memorial.

(Signed,) _____

PANAMA, April 10, 1888.

The mortgagee should present the memorial in person to the notary, making to him a verbal statement of similar import. The notary then draws up a formal instrument of writing, which recites the fact that the mortgagee had appeared before him, and in the presence of competent witnesses had acknowledged the facts set forth in his memorial, which is copied in the document.

He also copies any other documents bearing on the case which may have been presented to him. The notary having signed the instrument, it is then taken to the registrar of deeds and mortgages and copied into his records. The registrar then certifies on the original instrument to the fact of its having been recorded on the — day of —, in register No. —, page No. —.

The public instrument in cancellation of mortgage from which I have quoted and which is now before me contains fourteen pages of writing on seven folios of stamped paper. The fees thereon, including cost of stamped paper, appear to have been \$6.50.

It is not possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

THOMAS ADAMSON,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Panama, June 26, 1889.

URUGUAY.

REPORT BY CONSUL HILL, OF MONTEVIDEO.

RECORDED INDEBTEDNESS.

The laws of the Oriental Republic of Uruguay are framed and executed so that the interest of the money-lender is protected in practically every manner possible. He can lend money at whatever interest he may wish, upon whatever terms, upon almost any contract, and the courts will enforce the payments. Mortgages in commercial circles as a security for an open account or kindred indebtedness are not much in use. The form of the mortgage or instrument is somewhat similar to that in general use in the United States. Mortgages, like other written documents, must be signed before a notary public, written in the Spanish language and on stamped paper, and duly recorded before they are of any legal force and effect.

Only one system of securing indebtedness is in use in this Republic, where a record is desired to evidence the indebtedness. That system is the mortgage system. Mortgages can be given only upon real estate and ships. Mortgages upon personal property are not in use or allowed by law. Judgment liens, as a manner of securing indebtedness, are not in use or provided for by law. No reliable information can be obtained as to the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property, although the loan and trust companies that are lending money

Nos. 110 and 111—20.

here adopt the rule of advancing to the amount of one-third of the assessed value of property, the assessment in all instances being made by their representatives. A mortgage is of no force and effect until it is recorded. There are certain offices established for the recording of deeds, mortgages, and other similar instruments. The purchaser of property upon which a mortgage has been placed buys subject to the mortgage, and no act that the mortgageor can do can defeat the rights of the mortgagee. This is often regulated by contract contained in the mortgage. Should the mortgageor in the mortgage bind himself not to sell the mortgaged premises without the consent of the mortgagee, the courts would enforce the contract.

Mortgage indebtedness is rapidly on the increase. The present Government, as administered by President Maximo Tojes, has restored public order and confidence, and no longer are revolutions expected or feared, and foreign capital is seeking investment here in great quantities. In fact, a man with a small piece of land can get about all the money he wants, provided he will pay the interest regularly. The lands of this Republic are very fertile and command high prices, and are considered very good security for money. This information has reached the money markets of Europe, and one of the consequences is that there is now a bank here on nearly every street corner.

The increase in the value of property has been very great. From the present prices that city lots and small tracts of land near the city are sold at now, I think I can safely state that all the land of this city has more than doubled in value within the last two years. The increase in the money loaned on mortgages does not keep pace with the increase in the value of the property. My investigations suggest that there is no reliable estimate that can be made of the proportions of the recorded and unrecorded indebtedness.

LIENS.

Liens are not placed on personal property or crops. Judgments are not liens upon personal property until an embargo or levy is made. Exemptions are confined to the necessary household and kitchen furniture and wearing apparel. Parlor furniture, fine jewelry, etc., are not included among the exemptions.

INTEREST.

Several loan and trust companies are lending money here for 9 per cent. per annum on city and good country property. Nine per cent. is the legal rate of interest on all indebtedness, including judgments, in cases where the interest is not settled by previous contract. There are no usury laws, and very often loans are negotiated at the rate of 1, 2, and even 3 per cent. per month.

FORECLOSURES.

Mortgages are foreclosed by action at law. The usual process is to petition a judge of the court having jurisdiction in this matter, and he will order the mortgage foreclosed after giving notice to the mortgageor. The cost is all paid by the mortgageor, and is quite small. Three or five days are

usually employed in getting a judgment or order of foreclosure. After the order of foreclosure is obtained the sale is made by an auctioneer, who sells after advertising the property from three to twelve days. The fees of the auctioneer are conventional, and in some cases 1 per cent.

Foreclosure by sale under a power is more usual. After the day of default the mortgagee can sell the mortgaged premises, on very short notice, at public auction, and realize his money at once.

Another manner of foreclosing is allowed under the commercial code, that regulates the mortgage system, is for the mortgageor and mortgagee to agree upon a fixed sum, for which the mortgagee is to have the fee-simple of the property clear of all claims of the mortgageor in case of defalcation, and after defalcation the mortgagee petitions the court having jurisdiction, and a decree will immediately be issued transferring to the mortgagee all right of redemption, equity of redemption, and other rights of the mortgageor had in the land. (Comercio, de article 783.) This plan of foreclosure is much in use.

PARTIAL PAYMENTS.

Partial payments should be entered in the register's office where the mortgage is recorded. The usual plan is to enter it on the margin of the book in which the mortgage is recorded. Where the mortgaged premises are sold, the debtor loses all that he has paid; but in case the mortgaged premises are delivered to the mortgagee, as provided in the commercial code, article 783, as stated in answer to question 7, the debtor does not lose all that he has paid, but collects the difference between the sum agreed upon and the sum due.

CANCELLATIONS.

The usual form for canceling a mortgage is a simple acknowledgment of payment, made by the mortgagee in the presence of the notary public who is the register of instruments. This acknowledgment is entered on the books of registration, and in most instances on the margin of the leaf of the book where the mortgage is recorded.

EDWARD J. HILL,
Consul.

UNITED STATES CONSULATE,
Montevideo, July 18, 1889.

VENEZUELA.

REPORT BY CONSUL DE BLANC, OF PUERTO CABELLO.

RECORDED INDEBTEDNESS.

The system of recorded indebtedness existing in Venezuela is based on the civil law; it is mainly taken from the Code Napoleon, with which it coincides in almost all essential particulars.

The property of the debtor is the common pledge of his creditors, who have an equal right therein, unless there be just causes of preference. These causes of preference are privileges and mortgages.

PRIVILEGES.

Privileges (which virtually include the term "lien") may exist on both chattel and real property; mortgages can effect real estate only.

The law establishes three classes of privileges—

- (1) Those which affect all the movable property of the debtor.
- (2) Those which affect certain movables only.
- (3) Those which affect real property.

First class.—The following credits come under the first class, viz: (1) Judicial expenses for opening and settling the estate of the deceased; (2) funeral expenses; (3) expenses of the last illness; (4) salaries of domestic servants for the last three months; (5) provisions and necessities furnished the deceased and his family during the last six months; (6) national and municipal taxes for the running year and the one next preceding; (7) sums due to minor children, where the deceased has not furnished bond.

Second class.—The following credits belong to this class, viz: (1) Judicial expenses incurred for the sale of a chattel on the price thereof; (2) loans on pledge or on collateral security on the thing given in pledge or as collateral security; (3) amounts due for the construction, preservation, or improvement of a movable as long as the same remains in the possession of the creditor; (4) sums due for seeds furnished, for labor performed in cultivating and gathering crops, on the fruits thereof; (5) amounts due for rent of predial estates, on the crops gathered during the year, on the various products which may be found on said estate and which were obtained from it, and on all that serves for the cultivation of said estate or to provide it with what is necessary to carry on the object to which it is destined; (6) sums due innkeepers on the effects of the guests which are found in the inn; (7) amounts due public carriers on the things transported which are in their possession or which they have delivered, provided they are still in the possession of the party to whom they were delivered, and provided, also, that suit be instituted within the three days following the delivery; (8) pensions and incomes on the products of the emphyteutic estate gathered during the year, and on those which are to be found on said estate and which were produced by it; (9) amounts due by public functionaries on the salaries which are due them or on the assets (*valores*) which they have furnished as security; (10) salaries of clerks in a commercial house or in any other industrial establishment for a period not exceeding three months previous to the bankruptcy, cession of the goods, or award of the meeting of the creditors on the stocks belonging to said establishments.

Third class.—The following credits are privileged on the immovables, viz: (1) Expenses incurred for the common benefit of the creditors in the seizure, registration, and sale of an immovable on the price thereof; (2) claims of the State for the territorial contribution of the running year, and for the one preceding on the immovables which are subject to the same; (3) judicial expenses for settling an estate; and the funeral expenses, besides enjoying general privilege on movables mentioned above, are also privileged on immovables.

MORTGAGES.

There are three sorts of mortgages—the legal, the judicial, and the conventional mortgage.

Legal mortgage.—The legal mortgage is that which the law establishes in favor of the following persons, viz: (1) The vendor of an immovable on the immovable alienated for the payment of the price thereof; (2) the co-heirs, partners, and other co-proprietors on the immovables belonging to the succession, partnership, or community for the payment of the shares or balances due them; (3) the minor and the interdict on the immovables of the tutor; (4) the children, whose mother has contracted a second or more marriages, on the immovables of their mother and on those which the new husband possesses on the day of the marriage; (5) the wife on the immovables of her husband for the restitution of her patrimonial property where the husband is responsible for the same; (6) the particular legatee and the legatee under a universal title on the immovables belonging to the succession.

The debtor whose property is subject to a legal mortgage may, with the sanction of the judge, give a special mortgage, and thereby liberate all his other immovables.

Judicial mortgage.—Every final judgment, decreed or confessed, duly registered, operates as a judicial mortgage on all the immovables belonging to the debtor.

Conventional mortgage.—Every written agreement by which the debtor gives a mortgage on his property is a conventional mortgage, and produces its legal effects from the day of registration.

RATIO OF MORTGAGES TO TOTAL VALUATION.

I have been unable to obtain any reliable information as to the probable ratio of mortgages and judgments to total valuation of taxable and assessed property.

RECORDED MORTGAGES.

All mortgages must be recorded. Article 1807 of the civil code reads as follows: "The mortgage has no effect unless it has been registered in accordance with the dispositions contained in title 25 of this code; nor can it subsist except on property specially designated, and for a determinate sum of money."

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages do not complicate or embarrass the transfer of land titles. On application to the registry office a certificate is furnished which describes minutely every encumbrance recorded against the property; and, inasmuch as every mortgage which is not recorded has no effect, the party interested is supplied, by that certificate, with all the information necessary to govern his action.

INCREASE OR DECREASE OF MORTGAGES.

I have no means of obtaining the data necessary to answer the question as to the increase or decrease of recorded indebtedness.

LIENS.

Liens or privileges can not be placed on personal property, including crops, either by preference or confession of judgment. Such privileges only as are established by law can exist on personal property; and, in the cases enumerated by the law, they exist on the property and in favor of the parties for whose benefit they are established without any convention or agreement to that effect.

When advances are made upon crops the usual practice is for the commission merchant, or factor, to take a mortgage on the property. In some cases, instead of a mortgage, the party to whom the advances are made executes a sale of his property to the commission merchant, stipulating, in the act of sale, that he reserves to himself the right of recovering the property on re-imbursing the price paid for it, together with the costs of sale, the value of necessary repairs, and the amount expended in improvements which have increased the value of the property. This is called "the conventional retrocession," and, unless the vendor, at the expiration of the time fixed for redemption, complies with the obligations assumed, the property belongs irrevocably to the purchaser.

In sales under execution the only exemptions which the law allows are the following, viz: (1) The bed of the debtor, and those of his wife and children; (2) the wearing apparel of the same persons, and the furniture and utensils which are strictly necessary for the life of the debtor and that of his family; (3) the books, implements, and tools necessary for the exercise of the profession, art, or trade of the debtor; (4) the two-thirds of the salary or pension which the debtor receives.

INTEREST.

Interest is either legal or conventional. The legal interest is 3 per cent. per annum; the conventional interest is left free to the parties, who can stipulate such rate of interest as they may agree upon.

The prevailing rate of interest in this consular district on mortgage paper is 12 per cent. per annum. Judgments bear, legal interest at the rate of 3 per cent. per annum from judicial demand when the obligation sued upon makes no mention of interest; in other cases they bear the same interest as that which was agreed upon by the parties.

FORECLOSURES.

Mortgages are foreclosed by action at law. Foreclosures by sale under power are unknown. The average expense for foreclosing a mortgage is estimated at 8 per cent. on the amount of the mortgage.

PARTIAL PAYMENTS.

Partial payments on mortgages, obligations, or judgments need not be recorded, and the debtor does not lose all benefit if he defaults in part. When suit is instituted on an obligation upon which partial payments have

been made the debtor can oppose the partial payments, and on satisfactory proof thereof judgment is rendered for the balance remaining due. In like manner, in cases of judgments, if the judgment is sought to be executed without taking into account the partial payments made thereon, execution may be stayed, and the debtor is admitted to his proofs.

CANCELLATIONS.

The ordinary form for canceling is by act passed before a notary public, or before the recorder himself, signed by the creditor or his attorney, reciting that the obligation which is sought to be canceled has been paid and satisfied. The cancellation may also be made by act under private signature when the signatures to said act are duly authenticated.

CHARLES DE BLANC,
Consul.

UNITED STATES CONSULATE,
Puerto Cabello, June 20, 1889.

VENEZUELA.

REPORT BY CONSUL BIRD, OF LA GUAYRA.

RECORDED INDEBTEDNESS.

Mortgages must be recorded in the office of the public register in the district where the property is situated. The grantor must be fully informed of the contents of the document and signify his assent thereto. It is then recorded, and, with a certificate of its registry, returned to the grantee.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property can not be ascertained.

It is indispensable to their validity that mortgages be recorded.

LIENS.

A creditor has preferred claims on personal property as follows: In case his goods have been taken he can have them sold at public auction to satisfy their cost; he has a special lien on crops where he has made advances to plant, cultivate, or harvest them; the landlord has a lien on all the goods and effects of his tenant; the person who makes or repairs any piece of personal property can retain it until paid for; the hotel keeper has an equal right over the effects of his guest; the clerk of a store has a lien on the goods for payment of his salary. Personal property is subject to execution and sale, the only exemptions by law consisting of the beds of the creditor and family, their clothing, books, utensils of their art or profession, and two-thirds part of his salary.

INTEREST.

The conventional rate of interest on sums secured by mortgage is 8 to 9 per cent. per annum.

Mortgages do not complicate or embarrass the transfer of land titles.

FORECLOSURES.

The mortgagee must go into court, have the property valued, and sold at public sale. To avoid these difficulties creditors have long been accustomed to secure a *retroventa* upon property; that is to say, they buy the property outright, giving the debtor the right to redeem it within a specified period of time. If the debtor fail to do so, he loses all right.

PARTIAL PAYMENTS.

Partial payments can not be made unless by consent of the creditor. If he consent, the debtor can claim credit *pro tanto*, although he default in part.

CANCELLATIONS.

The ordinary form of canceling is as follows: The creditor gives a receipt for the sum paid, which receipt must be recorded.

WINFIELD S. BIRD,
Consul.

UNITED STATES CONSULATE,
La Guayra, June 25, 1889.

WEST INDIES.

BRITISH WEST INDIES.

BERMUDA.

REPORT BY CONSUL BECKWITH.

RECORDED INDEBTEDNESS.

The law does not render an unregistered mortgage of real or personal property void, but it gives priority to the first registered mortgage. The registration takes place in the office of the colonial secretary. Judgments entered up in the court of general assize, the supreme common law court of the colony, form a lien on real estate subject to prior encumbrances, *i. e.*, mortgages or previous judgments.

I am informed on good authority that it is believed that existing mortgages and judgments do not, at the outside, exceed 10 per cent. of the assessed value of the real estate in the colony.

The only mortgages required to be recorded are those in which the property of married women is included. The heads of other mortgages are, as a rule, registered.

I am informed by competent authority that recorded indebtedness is thought to be diminishing.

Mortgages do not, as a rule, complicate or embarrass the transfer of land titles.

It is not possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness. I am credibly informed that it is an unusual

thing for a mortgage of real estate not to be registered, while, on the other hand, chattel mortgages are frequently not registered.

LIENS.

Personal property and growing crops are frequently mortgaged to secure existing debts, but not often as security for a loan. Such security is precarious, as the claim for rent takes priority of every thing, and is resorted to only when the debtor can not find better security either on real estate or by indorsed note. Chattels under mortgage are exempt from execution of judgment. There are no exemptions otherwise.

INTEREST.

The greater part of the money invested on mortgages is loaned at 7 per cent., but amounts of \$1,500 and upwards lent on first-class security seldom pay more than 6 per cent., and in some cases a borrower can obtain a large sum on exceptionally good security at 5 per cent. Judgments carry interest at 5 per cent. Seven per cent. is the maximum rate allowed by law on any transaction.

FORECLOSURES.

Mortgages may be foreclosed by suit in the court of chancery, but this course is rarely followed. In the majority of cases the power of sale, invariably inserted in mortgages, is exercised. The expense of the latter course is from \$25 to \$50 as a rule.

PARTIAL PAYMENTS.

No provisions are made for partial payments on mortgages, obligations, or judgments, nor need they be recorded in any way.

CANCELLATIONS.

In the case of mortgages they are canceled in the colonial secretary's office on the production of a receipt, indorsed or otherwise, or on the written authority of the mortgagee or his attorney. Judgments are written off by the plaintiff's attorney on their being satisfied.

HENRY W. BECKWITH.

Consul.

UNITED STATES CONSULATE,

Hamilton, June 27, 1889.

THE LEEWARD ISLANDS.

REPORT BY CONSUL JACKSON, OF ANTIGUA.

INTRODUCTORY.

In reply to the Department's circular letter, under date of May 10, 1889, respecting mortgages, indebtedness, partial payments, limitations of security, etc., I have to report that, as the same laws and much the same conditions cover the British Leeward Islands in these matters, the desired

information can be embodied in one report, covering not only this island, but the islands of Anguilla, Dominica, Montserrat, Nevis, St. Christopher, and the Virgin Islands.

RECORDED INDEBTEDNESS.

Under the title by registration act No. 2, of 1886, Leeward Islands, an encumbrance is created by noting same on certificate of title, and ranks according to date.

Mortgages are noted on certificates of title, except in the case of equitable mortgages, which are created by deposit of certificate of title, and shall be deemed to extend over all property over which a mortgage extends. The equitable mortgage may by caveat prevent dealing with land.

Recorded indebtedness is diminishing.

LIENS.

Liens on personal property are principally by bills of sale and crop advance warrants, which can not be defeated by execution of judgment. Crops may be pledged for repayment of advances, and in case the land is mortgaged and a sale takes place the crop advance warrants have preference.

INTEREST.

The interest on mortgages is 8 per cent., and on judgments 6 per cent. Sometimes mortgages bear a rate of 12 per cent.

Mortgages do not complicate or embarrass the transfer of land titles. The title is granted and mortgages noted according to priority, and can either be paid off or transferred.

FORECLOSURES.

The proceedings for foreclosing mortgages, created under the registration of titles act, are mere distresses for rent. A notice is served on the owner to pay off within a specified time; in default, the bailiff is sent on the premises to seize the same, and a summons is served, returnable not less than three nor more than ten days, for the proprietor, mortgagees, and encumbrancers to appear before a judge at chambers to settle articles of sale, fix the day of sale, and an upset price. Upon the lands being sold a scheme of division is settled, and the money paid by the registrar to those entitled, according to priority, whose receipts for the money are taken upon the scheme of division.

The expense of foreclosing a mortgage varies from \$125 to \$480—depending on circumstances and the ability of the prosecuting attorney in making charges. In order to give an idea of the *modus operandi*, I submit a copy of bill of costs of a recent case.

PARTIAL PAYMENTS.

Due credit is given to the debtor for partial payments, and recording is not necessary.

CANCELLATIONS.

The ordinary form of canceling in mortgages is by appearing before the registrar of titles and requesting him to remove the note of encumbrance from the certificate, or, in the case of equitable mortgages, by returning the certificate of title deposited.

CHESTER E. JACKSON,
Consul.

UNITED STATES CONSULATE,

Antigua, August 15, 1889.

COST OF FORECLOSURES IN LEEWARD ISLANDS.

[Inclosure in Consul Jackson's report.]

Plaintiff's bill of costs in a foreclosure suit in the supreme court of the Leeward Islands, presidency of Antigua.

Details of service.	Taxed off.	Amount.
	£ s. d.	£ s. d.
Counsel's retaining fee.....	3 3 0	
Letter before action to defendant.....	0 2 6	
Preparing original writ.....	0 5 0	
Making fair copy for service on one defendant.....	0 2 6	
Making fair copy to file.....	0 2 6	
Making fair copy for use of counsel.....	0 2 6	
Attending at marshal's office to lodge original writ of service of copy to be made.....	0 2 6	
Preparing concurrent writ for service on other defendant out of the jurisdiction.....	0 5 0	
Making fair copy for service.....	0 2 6	
Making fair copy to file.....	0 2 6	
Consultation with plaintiff, taking his instructions to prepare his affidavit for service of concurrent writ on defendant out of the jurisdiction.....	0 5 0	
Drawing affidavit of plaintiff to obtain service of concurrent writ on defendant out of the jurisdiction, 10 folios (1 shilling per folio).....	0 10 0	
Making fair copy to swear, 10 folios (6 pence per folio).....	0 5 0	
Attending with plaintiff before registrar to swear affidavit.....	0 6 8	
Drawing minute of application to obtain order for service out of the jurisdiction, 2 folios (1 shilling per folio).....	0 2 0	
Making fair copy to file, 2 folios (6 pence per folio).....	0 1 0	
Attending to file minute of application.....	0 6 8	
<i>Ex parte</i> application to judge at chambers for order of service of concurrent writ when same was granted.....	0 0 6	0 10 6
Drawing up order, 2 folios (1 shilling per folio).....		0 2 0
Making fair copy to serve with writ, 2 folios (6 pence per folio).....		0 1 0
Attending on registrar for signature.....		0 6 8
Drawing affidavit in proof of service of concurrent writ and order on defendant out of the jurisdiction, 4 folios (1 shilling per folio).....		0 4 0
Making fair copy to forward with writ, 4 folios (6 pence per folio).....		0 2 0
Writing letter of instructions to solicitor respecting service of concurrent writ to accompany same.....		0 6 8
Attending.....		0 6 8
Perusing appearance for defendant in presidency.....		0 6 8
Perusing mortgage deed of premises, defendants to plaintiff.....		0 6 8
Drawing statement of claim.....		0 13 4
Making fair copy for service on defendant, 7 folios (6 pence per folio).....		0 3 6
Making copy to file, 7 folios (6 pence per folio).....		0 3 6
Making copy for use of counsel, 7 folios (6 pence per folio).....		0 3 6
Attending to file statement of claim.....		0 6 8
Attendance to deliver statement of claim to defendant in presidency.....		0 6 8

Plaintiff's bill of costs in a foreclosure suit, etc.—Continued.

Details of service.	Taxed off.	Amount.
	£ s. d.	£ s. d.
Attending at post-office and receiving concurrent writ and other documents returned by mail (registered).....		0 6 8
Perusing indorsement of service on writ.....		0 6 8
Attending at registrar's office and lodging concurrent writ order and affidavit of service of writ.....		0 6 8
Perusing appearance served for defendant out of presidency (by counsel).....		0 6 8
Preparing statement of claim for service on counsel for defendant out of presidency, half-fee.....		0 6 8
Making of same statement of claim to file, 7 folios (6 pence per folio).....		0 3 6
Making copy of statement of claim for service on counsel of defendant out of presidency, 7 folios (6 pence per folio).....		0 3 6
Making copy for use of counsel, 7 folios (6 pence per folio).....		0 3 6
Attendance to deliver statement of claim to counsel for defendant out of the presidency.....		0 6 8
Attending to file statement of claim.....		0 6 8
Perusing consent, allowing six weeks, from November 21, 1887, for defendant out of jurisdiction to deliver his statement of defense.....		0 6 8
Time having expired, and no statement of defense having been delivered for either of the defendants, drawing notice to set down cause on motion for judgment, 2 folios (1 shilling per folio).....		0 2 0
Making fair copy to file, 2 folios (6 pence per folio).....		0 1 0
Making fair copy for service on solicitor for defendant out of the jurisdiction, 2 folios (6 pence per folio).....		0 1 0
Making copy for service on defendant in the jurisdiction, 2 folios (6 pence per folio).....		0 1 0
Attendance at registrar's office to file notice and set down cause.....		0 6 8
Service fee of copy of notice on counsel for defendant out of the jurisdiction.....		0 2 6
Service fee of copy of notice on defendant in the jurisdiction.....		0 2 6
Drawing affidavit of clerk proving service of copy of statement of claim on counsel for defendant out of the jurisdiction, and on the defendant within the jurisdiction, 2 folios (1 shilling per folio).....		0 2 0
Making fair copy to swear, 2 folios (6 pence per folio).....		0 1 0
Making fair copy for use of counsel on hearing of motion, 2 folios (6 pence per folio).....		0 1 0
Attending with clerk to swear.....		0 6 8
Drawing affidavit for counsel for plaintiff in support of motion, 10 folios (1 shilling per folio).....		0 10 0
Making fair copy to swear, 10 folios (6 pence per folio).....		0 5 0
Making fair copy for service on counsel for defendant out of presidency, 10 folios (6 pence per folio).....		0 5 0
Making fair copy for service on defendant in the presidency, 10 folios (6 pence per folio).....		0 5 0
Making fair copy for use of counsel on hearing of motion, 10 folios (6 pence per folio).....		0 5 0
Making copy of pleadings for the use of the court, 8 folios (1 shilling per folio).....		0 8 0
Drawing affidavit of clerk in proof of service of motion on counsel for defendant out of presidency, and for defendant in presidency, 3 folios (1 shilling per folio).....		0 3 0
Making fair copy to swear, 3 folios (6 pence per folio).....		0 1 6
Attending with clerk to swear.....		0 6 8
Attending in court on hearing of motion (opposed) when court ordered that motion do stand over for hearing out of circuit, and leave given defendant out of jurisdiction to put in his defense.....	1 2 0	2 2 0
Attending at registrar's office and perusing minute of order.....		0 6 8
Drawing up formal order, 2 folios (1 shilling per folio).....		0 2 0
Making fair copy for service on counsel for defendant out of jurisdiction, 2 folios (6 pence per folio).....		0 1 0
Making fair copy to serve on defendant in presidency, 2 folios (6 pence per folio).....		0 1 0
Drawing affidavit of clerk in proof of service of order on counsel for defendant out of jurisdiction, and on defendant in presidency, 2 folios (1 shilling per folio).....		0 2 0
Making fair copy to file, 2 folios (6 pence per folio).....		0 1 0
Attending with clerk to swear.....		0 6 8

Plaintiff's bill of costs in a foreclosure suit, etc.—Continued.

Details of service.	Taxed off.	Amount.
	£ s. d.	£ s. d.
Perusing summons in chambers for defendant out of jurisdiction to have further time to put in his statement of defense.....		0 6 8
Perusing affidavit of solicitor's clerk in support of same.....		0 6 8
Attendance in chambers when court gave leave to defendant out of jurisdiction, one month from date, to file and deliver his statement of defense.....		1 1 0
No defense having been filed and delivered, attending and putting down same.....		0 6 8
Drawing notice of trial.....		0 1 0
Making fair copy to file, 1 folio.....		0 0 6
Making copy to serve on solicitor for defendant out of jurisdiction, 1 folio.....		0 0 6
Making copy for service on defendant in presidency, 1 folio.....		0 0 6
Two services, (2s. and 6d. each).....		0 5 0
Drawing affidavit of clerk proving service of notice of trial on counsel for defendant out of jurisdiction and on defendant in presidency, 2 folios (1 shilling per folio).....		0 2 0
Making copy to file, 2 folios (1 shilling per folio).....		0 2 0
Attending with clerk to swear.....		0 6 8
Perusing consent that cause do stand over until return of defendants' counsel, who is leaving the island, and signing same.....		0 6 8
Drawing affidavit of clerk that no defense had been delivered by either of the defendants, 3 folios (1 shilling per folio).....		0 3 0
Making fair copy to swear, 3 folios (6 pence per folio).....		0 1 6
Attending at registrar's office with clerk to swear.....		0 0 8
Drawing request that cause be set down on motion for judgment, 1 folio.....		0 1 0
Making fair copy to file.....		0 6 6
Attending to file request.....		0 6 8
Hearing fee on £500, amount of debt, and £108, amount of interest, £608, when court ordered that account should be taken (add 10 per cent.).....		7 10 0
Attending at registrar's office to peruse minute of judge's order.....		0 6 8
Drawing up order, 6 folios (1 shilling per folio).....	0 3 0	0 6 0
Making fair copy to file, 6 folios (6 pence per folio).....		0 3 0
Making copy for use of counsel on taking of account, 6 folios (6 pence per folio).....		0 3 0
Attending for registrar's signature and to file order.....		0 6 8
Making of order for service on counsel for defendant out of jurisdiction, 6 folios (6 pence per folio).....		0 3 0
Making copy for service on defendant in the presidency, 6 folios (6 pence per folio).....		0 3 0
Two services at 2s. 6d. each.....		0 5 0
Drawing affidavit of clerk in proof of service of copy of order on counsel for defendant out of the jurisdiction and defendant in the presidency, 2 folios (1 shilling per folio).....		0 2 0
Making fair copy to swear and file, 2 folios (6 pence per folio).....		0 1 0
Attending with clerk to swear.....		0 6 8
Drawing notice of time when registrar would take account.....		0 1 0
Making fair copy to file, 1 folio.....		0 0 6
Making fair copy for service on counsel for defendant out of the jurisdiction, 1 folio.....		0 0 6
Making fair copy for service on defendant in the presidency, 1 folio.....		0 0 6
Attending on registrar for his signature and to file same.....		0 6 8
Two services at 2s. 6d. each.....		0 5 0
Drawing affidavit of clerk in proof of service of notice of time when account would be taken on counsel for defendant out of the jurisdiction and on defendant in the presidency, 2 folios (1 shilling per folio).....		0 2 0
Making fair copy to swear and file, 2 folios (6 pence per folio).....		0 1 0
Attending at registrar's office with clerk to swear.....		0 6 8
Attending at registrar's office on registrar's taking accounts.....		0 13 4
Attending on registrar for his certificate and to file same.....		0 6 8
Making copy of certificate to serve on counsel for defendant out of the jurisdiction, 3 folios (6 pence per folio).....		0 1 6
Making copy for service on defendant in presidency, 3 folios (6 pence per folio).....		0 1 6
Two services at 2s. 6d.		0 5 0
Drawing this bill of costs, 28 folios (1 shilling per folio).....		1 8 0
Making copy to tax, 28 folios (6 pence per folio).....		0 14 0

Plaintiff's bill of costs in a foreclosure suit, etc.—Continued.

Details of service.	Taxed off.	Amount.
	£ s. d.	£ s. d.
Making copy to serve on counsel for defendant out of the jurisdiction, 28 folios (6 pence per folio).....		0 14 0
Making fair copy for service on defendant in the presidency, 28 folios (6 pence per folio).....		0 14 0
Drawing notice of taxation.....		0 1 0
Copy to file, 1 folio.....		0 0 6
Attending to file.....		0 6 8
Making fair copy to serve on counsel for defendant out of the jurisdiction, 1 folio.....		0 0 6
Making copy for service on defendant in the presidency, 1 folio.....		0 0 6
Service of bill of costs and notice of taxation on counsel for defendant out of the jurisdiction.....		0 2 6
Service fee of notice of taxation and bill of costs on defendant in the presidency.....		0 2 6
Attending on taxation.....		0 13 4
Making copy of taxed bill to file, 28 folios (6 pence per folio).....		0 14 0
Attending to file same.....		0 6 8
Making copy of taxed bill for service on counsel for the defendant out of the jurisdiction, 28 folios (6 pence per folio).....		0 14 0
Making copy of taxed bill for service on defendant in the presidency, 28 folios (6 pence per folio).....		0 14 0
Two services (2 shillings each).....		0 5 0
Total.....	1 8 0	45 3 8
Office fees, paid swearing affidavits, filing papers, etc.....		8 11 0
Total.....		53 14 8
Taxed off.....		1 8 0
		52 6 8
Short charges on hearing fee.....		0 10 0
Total.....		52 16 8
Taxing fee.....		0 13 6
Taxed for.....		53 10 2

(Signed,)

O. HUMPHRYS,

Chief Registrar.

May 29, 1888.

Plaintiff's subsequent costs in foreclosure suit in the supreme court of the Leeward Islands, Presidency of Antigua.

Details of service.	Taxed off.	Amount.
	£ s. d.	£ s. d.
Drawing affidavit of clerk in proof that solicitor for absent defendant and defendant here had said that it was not their intention of attending or taking of the accounts and that the registrar could proceed to do so in their absence, 3 folios (1 shilling per folio).....		0 3 0
Making fair copy to swear, 3 folios (6 pence per folio).....		0 1 6
Making fair copy to keep, 3 folios (6 pence per folio).....		0 1 6
Attending with clerk to swear.....		0 6 8
Drawing affidavit of clerk proving service of certificate on both defendants, 3 folios (1 shilling per folio).....		0 3 0
Making copy to swear, 1s. 6d.; copy to keep, 1s. 6d.....		0 3 0
Attending with clerk to swear.....		0 6 8
Drawing minute of application to obtain final order for sale of mortgage premises.....		0 1 0
Fair copy to file, 6 pence; copy for use of counsel on hearing, 6 pence.....		0 1 0
Attending to file.....		0 6 8

Plaintiff's subsequent costs in foreclosure suit, etc.—Continued.

Details of service.	Taxed off.	Amount.
	£ s. d.	£ s. d.
Attending in chambers, making application for order of sale.....	1 1 0	2 2 0
Drawing application of plaintiff and his solicitor that time for payment of debt, interest, and costs had expired, and that same still remained unpaid, 5 folios (1 shilling per folio).....		0 5 0
Attending on plaintiff to send over and settle same.....	0 6 8	0 6 8
Making fair copy to swear, 5 folios (6 pence per folio).....		0 2 6
Making copy for use of counsel on hearing, 5 folios (6 pence per folio).....		0 2 6
Attending with plaintiff to swear.....		0 6 8
Drawing up order of sale, 9 folios (1 shilling per folio).....	0 4 6	0 9 0
Attending on registrar and settling draft on order of sale.....		0 6 8
Making fair copy to file, 9 folios (6 pence per folio).....		0 4 6
Making fair copy for service on counsel for defendant out of the jurisdiction, 9 folios (6 pence per folio).....		0 4 6
Making fair copy for service on defendant in the presidency, 9 folios (6 pence per folio).....		0 4 6
Making copy to keep, 9 folios (6 pence per folio).....	0 4 6	0 4 6
Attending on registrar for his signature and to have order sealed.....		0 6 8
Service fee on counsel for absent defendant.....		0 2 6
Service fee on defendant in presidency.....		0 2 6
Attending at registrar's office and filing order.....	0 6 8	0 6 8
Drawing affidavit of clerk proving service of copy of final order of sale on counsel for absent defendant and on defendant here, 2 folios (1 shilling per folio).....		0 2 0
Making fair copy to swear, 2 folios (6 pence per folio).....		0 1 0
Making fair copy to keep, 2 folios (6 pence per folio).....	0 1 0	0 1 0
Attending with clerk to swear.....		0 6 8
Attending at registrar's office to search records in order to prepare abstract of title, first day.....		0 6 8
Perusing and abstracting deed No. 1.....	0 6 8	0 13 4
Perusing and abstracting deed No. 2.....	0 6 8	0 13 4
Perusing and abstracting deed No. 3.....	0 6 8	0 13 4
Attending at registrar's office to search records in order to prepare abstract, second day.....		0 6 8
Perusing and abstracting deed No. 4.....	0 6 8	0 13 4
Perusing and abstracting deed No. 5.....	0 6 8	0 13 4
Perusing and abstracting deed No. 6.....	0 6 8	0 13 4
Perusing and abstracting deed No. 7.....	0 6 8	0 13 4
Preparing abstract of title of defendants to mortgage premises ordered to be sold by order of the chief justice.....	1 1 0	5 5 0
Attending at the office of the solicitor-general and leaving abstract with him for his opinion.....		0 2 6
Paid solicitor-general his fee for opinion on title of defendants to mortgage premises.....		3 3 0
Preparing particulars and conditions of sale, 9 folios (1 shilling per folio).....		0 9 0
Making fair copy of particulars to file, 9 folios (6 pence per folio).....		0 4 6
Making fair copy of particulars for use of counsel, 9 folios (6 pence per folio).....		0 4 6
Making fair copy for service on counsel for absent defendant, 9 folios (6 shillings per folio).....		0 4 6
Making fair copy for service on defendant in presidency, 9 folios (6 pence per folio).....		0 4 6
Drawing minute of application to attend before judge in chambers to settle particulars and conditions of sale, 1 folio.....		0 1 0
Making fair copy of minute of application to file, 1 folio.....		0 0 6
Making copy for use of counsel on hearing of application, 1 folio.....		0 0 6
Making copy for service on counsel of absent defendants, 1 folio.....		0 0 6
Making copy for service on defendant in presidency, 1 folio.....		0 0 6
Two services, 2s. and 6d. each.....		0 5 0
Attending at registrar's office and lodging particulars and conditions of sale.....		0 6 8
Drawing affidavit of clerk in proof of service of copy of particulars and conditions of sale on counsel for absent defendant and upon defendant in the presidency, 2 folios (1 shilling per folio).....		0 2 0

Plaintiff's subsequent costs in foreclosure suit, etc.—Continued.

Details of service.	Taxed off.	Amount.
	£ s. d.	£ s. d.
Making fair copy to file, 2 folios (6 pence per folio).....		0 1 0
Making fair copy to keep, 2 folios (6 pence per folio).....		0 1 0
Attending with clerk to swear.....		0 6 8
Drawing up advertisement of sale of premises for publication in Standard news- paper, 2 folios (1 shilling per folio).....		0 2 0
Making fair copy to send to Standard office, 2 folios (6 pence per folio).....		0 1 0
Making fair copy to keep, 2 folios (6 pence per folio).....		0 1 0
Attending at Standard office and leaving advertisement for publication.....		0 6 8
Attending in chambers on settlement of particulars and conditions of sale by judge..	1 1 0	2 2 0
Making fair copy of draft, particulars, and conditions of sale as settled by judge at chambers, 9 folios (6 pence per folio).....		0 4 6
Attending and lodging particulars with registrar		0 6 8
Receiving and perusing solicitor-general's opinion on title disclosed by abstract.....		0 9 8
Attending at registrar's office and lodging abstract of title of defendants to mortgaged premises, with the solicitor-general's opinion thereon.....		0 6 8
Perusing and considering consent sent by defendants' solicitor for a postponing of sale of mortgaged premises with a view of having debt, etc., arranged and sign- ing same.....		0 6 8
Perusing and considering second consent sent by defendants' solicitor for the same purpose and signing same.....		0 6 8
Perusing affidavit of one of the defendants that plaintiff's interest in the mortgaged premises had passed to an assignee.....	0 6 8	0 6 8
Perusing order of court served with affidavit substituting assignee as plaintiff in suit.....	0 6 8	0 6 8
Perusing summons served calling upon assignee to show cause why sale should not be further postponed.....		0 6 8
Perusing affidavit of one of defendants in support.....		0 6 8
Attending in chambers on hearing of summons when same dismissed with costs.....	1 1 0	2 2 0
Drawing up consent that sale be postponed for a further period, 2 folios (1 shilling per folio).....		0 2 0
Making fair copy to file, 2 folios (6 pence per folio)		0 1 0
Making fair copy to keep, 2 folios (6 pence per folio).....	0 1 0	0 1 0
Attending on one of defendants for his signature to consent.....		0 6 8
Attending on assignee for his signature to consent.....	0 6 8	0 6 8
Attending at registrar's office and filing consent		0 6 8
Drawing affidavit of surveyor on proof of value of premises, 3 folios (1 shilling per folio).....		0 3 0
Attending on surveyor to read over and settle same.....	0 6 8	0 6 8
Making fair copy to swear, 3 folios (6 pence per folio).....		0 1 6
Making fair copy to keep for use on subsequent proceedings, 3 folios (6 pence per folio).....	0 1 6	0 1 6
Attending at registrar's office with surveyor to swear.....		0 6 8
Drawing up valuation paper, mark B, 1 folio.....		0 1 0
Making fair copy for surveyor to sign.....		0 0 6
Drawing minute of application to attend before judge to settle bidding, 1 folio.....		0 1 0
Making fair copy to file, 1 folio		0 0 6
Making copy for use of counsel on hearing of application, 1 folio.....		0 0 6
Making copy for service on defendants' counsel, 1 folio.....		0 0 6
Making copy for service on defendant, 1 folio.....		0 0 6
Service fee of notice of application on counsel for defendant out of jurisdiction.....		0 2 6
Service fee of notice of application on defendant in presidency.....		0 2 6
Drawing affidavit of clerk in proof of service of notice of application on counsel for defendant out of the jurisdiction and also upon defendant in presidency, 3 folios (1 shilling per folio).....		0 3 0
Making copy to swear and file, 3 folios (6 pence per folio).....		0 1 6
Making fair copy for use of counsel on hearing of application, 3 folios (6 pence per folio).....		0 1 6
Attending before registrar with clerk to swear.....		0 6 8
Attending at chambers on fixing of reserved bidding	1 1 0	2 2 0

Plaintiff's subsequent costs in foreclosure suit, etc.—Continued.

Details of service.	Taxed off.	Amount.
	£ s. d.	£ s. d.
Drawing minute of application for order continuing plaintiff's solicitors on record as solicitors for assignee, 1 folio.....	0 1 0
Making fair copy to file.....	0 0 6
Making fair copy for use of counsel, 1 folio.....	0 0 6
Attending in chambers and making application when judge made order.....	1 1 0	2 2 0
Drawing up order continuing solicitor, 2 folios.....	0 2 0
Attending on registrar and settling draft order.....	0 6 8
Making fair copy to file, 2 folios.....	0 1 0
Making fair copy to keep, 2 folios.....	0 1 0
Attending on registrar for signature and to file order.....	0 6 8
Drawing affidavit of — that — was a fit and proper person to sell, 3 folios (1 shilling per folio).....	0 3 0
Attending on — to read over and settle same.....	0 6 8	0 6 8
Making fair copy to swear, 3 folios (6 pence per folio).....	0 1 6
Making fair copy to keep, 3 folios (6 pence per folio).....	0 1 6
Attending with — to swear.....	0 6 8
Drawing undertaking by auctioneer to pay deposit into court, 1 folio.....	0 1 0
Making fair copy for auctioneer to sign, 1 folio.....	0 0 6
Attending on auctioneer and leaving same with him for his signature.....	0 6 8
Attending to file same.....	0 6 8
Drawing up directions for auctioneer as to conduct of sale, 2 folios (1 shilling per folio); fair copy (1 shilling per folio).....	0 2 0
Attending on auctioneer and leaving directions with him.....	0 6 8	0 6 8
Drawing note of bidding for purchaser to sign.....	0 1 0
Making fair copy for purchaser to sign.....	0 0 6
Attending on auctioneer and leaving same with him.....	0 6 8	0 6 8
Attending on sale.....	1 1 0	2 2 0
Drawing affidavit of auctioneer as to result of sale, 3 folios (1 shilling per folio).....	0 3 0
Attending on auctioneer to read over and settle same.....	0 6 8	0 6 8
Making fair copy to swear.....	0 1 6
Attending with auctioneer to swear.....	0 6 8
Drawing certificate of registrar, certifying result of sale, 3 folios (1 shilling per folio).....	0 1 0	0 3 0
Attending on registrar to read over and settle same.....	0 6 8	0 6 8
Making fair copy for registrar's signature, 3 folios (6 pence per folio).....	0 1 6
Attending on registrar for his signature to certificate, and to file the same.....	0 6 8
Drawing this bill of costs, 20 folios (1 shilling per folio).....	1 0 0
Making fair copy for service on counsel for defendants out of the jurisdiction, 20 folios (6 pence per folio).....	0 10 0
Making fair copy for service on defendant in presidency, 20 folios (6 pence per folio).....	0 10 0
Making fair copy to tax, 20 folios (6 pence per folio).....	0 10 0
Making fair copy for use of counsel on taxation, 20 folios (6 pence per folio).....	0 10 0	0 10 0
Drawing notice of taxation.....	0 1 0
Making fair copy to file.....	0 0 6
Attending to file notice of taxation.....	0 6 8
Making copy of service on defendant's counsel.....	0 0 6
Making copy for service on defendant in the presidency, 1 folio.....	0 0 6
Services, 2 folios (2 shillings per folio).....	0 5 0
Attending on taxation.....	0 6 8
Making copy of taxed bill to file, 20 folios (6 pence per folio).....	0 10 0
Drawing minute of application for order to pay taxed costs out of funds in court, 1 folio.....	0 1 0
Making fair copy to file.....	0 0 6
Making fair copy for use of counsel on hearing of application, 1 folio.....	0 0 6
Attending to file minute of application.....	0 6 8
Attending in chambers on hearing of application for order.....	1 1 0	2 2 0
Drawing up order, 2 folios (1 shilling per folio).....	0 2 0
Attending on registrar and settling draft order.....	0 6 8

Nos. 110 and 111—21.

Plaintiff's subsequent cost in foreclosure suit, etc.—Continued.

Details of service.	Taxed off.	Amount.
	£ s. d.	£ s. d.
Making fair copy to file, 2 folios		0 1 0
Attending on registrar for his signature to order and to file same.....	0 6 8	0 6 8
Attending on registrar, receiving amount of taxed costs, and giving receipt for same	0 6 8	0 6 8
Total.....	16 4 20	55 13 8
Office fees paid		4 8 6
Paid advertising premises (£1 2s. 4d.) and valuing (£1 1s.).....		2 3 4
Total.....		62 5 6
Short charged on extracts		0 9 0
Total.....		62 14 6
Taxed off.....		16 15 20
		45 18 8
Certificate of taxation.....		0 1 0
Total.....		45 19 8
Fees paid, paying out money		0 13 0
Total.....		46 12 8
Subsequent costs.....		0 8 6
Taxed for		47 1 2

(Signed,)

O. HUMPHRYS,
Chief Registrar.

March 22, 1889.

TRINIDAD AND TOBAGO.

REPORT BY CONSUL SAWYER.

RECORDED INDEBTEDNESS.

In the colony of Trinidad and Tobago a system of recorded indebtedness prevails by means of registration of deeds, judgments, etc., regulated by local ordinances, mostly adopted from similar acts in force in England in reference to the register counties of York and Middlesex.

Mortgages on real property are valid without registration, but are nearly always registered, as they acquire priority according to date of registration. Mortgages on personal chattels (bills of sale) are regulated by a special ordinance, the provisions of which are strict and rigidly enforced. Unless registered within seven days after execution they are absolutely void. Judgments, both decreed and confessed, are a charge on the real property of the debtor when registered. Recorded indebtedness, just now, is increasing.

RATIO OF MORTGAGES TO TOTAL VALUATION.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is, say, from one-half to two-thirds, the latter being applicable to mortgages under most favorable circumstances, and the former to those mortgages that are under unfavorable circumstances, it not being an easy thing to form a safe valuation of some properties. The ratio of judgments to valuations of properties is very difficult to obtain, owing

to the irregularities of both. For instance, it is possible to have judgment against property valued at \$10,000 for \$1,000, or a judgment against a property for \$1,000 the value of which is only \$100. I am informed, however, that the judgments average much larger than the average valuations of the taxable and assessed properties in the colony.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages embarrass, to a certain extent, the transfer of land. Cases happen where purchasers are willing to buy on condition that the land be unencumbered, and the mortgagee is unwilling to take his money except six months' interest be paid to him as a bonus. Of course, this is a heavy drag on the mortgageor, who sometimes prefers to let slip the bargain rather than satisfy the mortgagee's demand. Mortgages here are generally made for the term of five years, and seldom is a provision inserted to permit the mortgageor to pay off before at his option. Otherwise, mortgages can scarcely be said to complicate the transfer of land. Mortgages, when paid off, are released by deed, which is, of course, registered; and thus a purchaser by searching the registry can see at once whether the land he proposes to purchase is encumbered or not.

UNRECORDED INDEBTEDNESS.

It is impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness. By reference to the registrar's office, Crown lands office, and the judgment books and other books in the several offices, and by comparing alienated land in the colony with the area actually surveyed for cultivation this question would be best answered, because it is one essentially statistical, and would require much time, thought, and care in compiling to arrive at a proper result.

LIENS.

Liens are not placed on personal property either by preference or confession of judgment. Such property (not including, however, growing crops, which, of course, form part of the realty) is subject to execution under judgment.

INTEREST.

The prevailing rate of interest is 8 per cent. On small sums, that is to say, \$2,000 or less, 10 and sometimes 12 per cent. can be obtained.

Large transactions with foreign merchants, principally British, sometimes carry the interest at the lawful rate for the colony, 6 per cent., but the transactions are generally at 7 or 8 per cent.

FORECLOSURES.

Mortgagees are enforced at law to have an account taken of what is due from the mortgageor for principal, interest, and costs, and if the above be not paid within a certain date, the property or properties may be sold by the court, and after payment to the mortgagee of his principal, interest, and costs the balance must be paid to the mortgageor, or they may be enforced

by sale at public auction under power contained in the mortgage deed, with the like result as to the principal, interest, and costs. There is no foreclosure here. The action at law would probably cost \$80 to \$100 at least; the sale under power about \$40 or \$50.

PARTIAL PAYMENTS.

Partial payments on mortgages need not be recorded, but often are. There is no provision for the registration of partial payments on judgments. The money can be paid into court or to the plaintiff's solicitor. The debtor does not lose all benefit if he defaults in part, except in cases where the judgment debt is allowed by the court to be paid by installments, with the provision that on failure in the payment of an installment the whole unpaid balance is to become payable at once.

CANCELLATIONS.

The ordinary form of canceling a mortgage is by a deed of release and reconveyance.

MOSES H. SAWYER,
Consul.

UNITED STATES CONSULATE,
Trinidad and Tobago, June 29, 1889.

[Extract from Consul Sawyer's annual report.]

The principal officers of the courts are appointed directly or indirectly by the Crown, the object of which is to enable them to be independent of any political or other influence that might interfere with their upright conduct in all things, especially in rendering just decisions according to law.

The present judiciary of Trinidad has superseded the old Spanish law that formerly existed, and is now based almost entirely upon the customs of English law; innocence being guarded by counsel, trial by jury, and the other defenses of liberty transmitted from Magna Charta, but adhering to stern justice, attended with certain and speedy punishments. Such wise jurisprudence results in peace and safety throughout the colony, as all men are protected by the State. This is the case in all countries where similar customs prevail, but where they do not lawlessness and crime are common and the safety of life jeopardized.

But while the laws of England are so good in protecting honest people from the assassin or the burglar, they are, in many instances, found to be very faulty in the protection of the property of the weak against the strong, especially in regard to title-deeds of land.

England's laws are inferior in this respect to those of "le Code Napoleon," that emanated from the old Roman law, now promulgated throughout the Latin countries, nor by any means equal to those laws underlying the Constitution of the United States. In case taxes are not paid on land in Trinidad for sixteen years the owner loses his property, as by the statute of limitations it reverts to the Crown. In case Government roads slip on to private property, as is the case at La Brea pitch lands on this island, whose surface changes position by the sliding pitch, the owner is likely to lose the property, as the Government is the strongest party.

There are other ways that owners of land lose their claim upon their own properties—by the laws and custom here—but a muniment deed, properly registered in any one of the American States, is as good and safe as the Government.

Many families of Trinidad can bear evidence of the weakness of some parts of English law in regard to land. These parties were coffee, cacao, or sugar planters, who had occasion

some years ago to borrow money, secured to the lenders upon mortgages on their estates. Their crops afterwards failing or the staples depreciating in value, they were unable to meet their obligations with the mortgagees. The courts permitted forced sales of the properties in time of depression, when they were sacrificed and the mortgageors reduced to bankruptcy.

There is no foreclosure *per se* in the colony, but the law put in practice amounts to nearly the same thing; for instance, mortgagees are enforced at law to have an account taken of what is due from the mortgageor for principal, interest, and costs, and that if these be not paid within a certain date the property or properties may be sold by the court, and, after payment to the mortgagee of his principal, interest, and costs, the balance must be paid to the mortgageor. Or, they may be enforced by sale at public auction under the power contained in the mortgage deed, with the like result as to the principal, interest, and costs.

No doubt many abuses had grown up in Trinidad that are not elsewhere, as the people are of many nationalities and have not the elective franchise, while some laws were in disuse or had become obsolete (*in forma pauperis*, for instance), which acted very injuriously to the poor, as they could not bring suit in the courts.

The labor on cacao estates is mostly done by contracts with coolies at a fixed price for each tree planted and brought up to maturity. Coolies are often dishonest, and take unfair advantage in various ways, but the capitalist had redress in the courts; but in case the capitalist acted unfairly towards the coolie, the latter, being a poor man, could get no redress. So it was in cases where coolies or negroes bought land; by borrowing on mortgage they were, in many cases, deprived of their lands by the mortgagees.

Sir John Gorrie, K. C. M. G., the present chief-justice, had acted in that capacity in other colonies, and was well known to the British Government. Soon after his arrival in the colony in 1886 it became evident that a reform of the judiciary would soon be attempted. Some of his judgments were the reverse of any previously given; estates in bankruptcy were no longer permitted to be sacrificed, but receivers were appointed; and by his revival of *in forma pauperis* many poor men brought suits whereby they recovered damages, and in some cases much property was reclaimed, the most celebrated case being that of *Garcia vs. Pinco*, when the plaintiff recovered \$18,000.

But the chief-justice created many enemies, not only by his decisions in regard to properties, but by his severe criticism of nearly all classes of men. He offended the attorney-general, medical board, commander of the troops, commandant of police, merchants, editors, and at last the governor and legislative council.

During the summer and autumn of 1888 Trinidad continued to be in a state of turmoil in consequence of this reform. Petitions against him were sent to the secretary of state, signed by the army officers, police officers, medical officers, and chamber of commerce, and a counter petition of five thousand names was sent in his favor. Considering the number of accusations against him in regard to his innovations, it has been confidently expected that he would be early removed; but after the Government had examined his defense, the secretary of state for the colonies (excepting some unimportant criticism) has approved of his course and still retains him as chief-justice of Trinidad.

DANISH WEST INDIES.

REPORT BY CONSUL TURNER, OF ST. THOMAS.

RECORDED INDEBTEDNESS.

Mortgages on real and chattel property, leases, power of attorney, cancellations of same, as well as statements of partial payments made, are recorded in a special book for that purpose. Judgments are recorded along with the court proceedings in the usual court record. There is no index of any nature whatsoever to either of these books or sets of books, except in the case of

mortgages on chattel property, where the mortgageors' and mortgagees' names are kept in a record book alphabetically, and a note is made opposite the mortgageor's name that he has given a mortgage of a certain amount on his chattel property to the mortgagee and *vice versa*, the book and page in which the instrument is recorded in full being referred to.

In a separate record book, of the usual ledger size, in which the title to real property is given, the pages are divided into two columns each, and in these columns, as represented below, are concisely stated whatever may affect the title. Each special division or section of real property has the two opposite pages set apart for this purpose.

Diagram showing method of recorded indebtedness in abstract or title book.

Page 1.		Page 2.	
	Remarks.	Mortgages.	Remarks.
<p>Lot 2, corner Prince street. Description of property by metes and bounds.</p> <p><i>Title.</i></p> <p>In this column a mere abstract of each transfer, in three or four lines, is given, showing who are grantors and grantee, the consideration, and the interest conveyed.</p>	<p>In this column power of attorney, probate records, sales under execution of judgment are referred to—in short, whatever may remedy a break in the title.</p>	<p>In this column mortgages and liens of any nature whatsoever are referred to, the amount in each case being stated with mortgageor's and mortgagee's names.</p>	<p>In this column the cancellation of mortgages is noted; also statement of partial payments made, in each case the day and date being given.</p>

Three or four lines are sufficient for these separate abstracts under each head, names of parties being given, as well as their interests, and in each abstract in the several columns the book of record and page therein is given wherein the original document is recorded in full. I will mention here incidentally that each document to be recorded must be presented for filing in open court, which meets every Monday, when a protocol is made in the court record that it was presented for record on such a date. Then it is transcribed in the record book above referred to in the order of the filing or presentation to the court.

In order to arrive at the amount of recorded indebtedness, or whether a certain individual is a mortgageor or mortgagee of real property, or has a judgment against him (or a lien of any nature upon his real property), it would be necessary in the first case to search the records containing the abstracts of titles, as referred to in the above diagram, which would be the work of two or three months; in the second case the document record must be searched (or the abstract book just referred to) page by page, since there is no index, unless the real property owned by the party is known by description, when a reference to the title or abstract book will give brief particulars which refer to the mortgage recorded in full or to other matters affecting the title; and, in the third case, the court record would have to be searched for

a year back, since the limitation of a judgment as a lien is one year. In this last case, also, the title book will give particulars, if the party's property (real) be known by description. Title always carries with it the encumbrance of a judgment lien, if the latter has not expired by limitation.

There is no method by which the probable ratio mortgages and judgments bear to total valuation of taxable and assessed property can be determined.

Chattel mortgages must be recorded within fourteen days from the date of issue. Mortgages on real property must be recorded within the second court day (which is Monday of each week) after the date thereof, if issued within the jurisdiction of the court where the land lies, otherwise within the fourth court day thereafter. If recorded within the time specified in each case, the mortgage (on real as well as chattel property) takes effect from the date of issue, otherwise from the date of record.

It would be a fair conclusion to state that recorded indebtedness is increasing, because the value of property has been decreasing for several years, while in a great many cases the old mortgages exist.

I may say that mortgages complicate slightly, but do not embarrass, the transfer of land titles.

UNRECORDED INDEBTEDNESS.

It is impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

LIENS.

In the Danish West Indies liens are placed on personal property both by preference as well as by confession of judgment, and in the island of Santa Cruz there exists, besides, a mortgage on crops known as a bureau mortgage, because it is undertaken through the supervision of a bureau of the local government. This mortgage is given upon a special crop (sugar) for a special year or crop season. If the mortgageor does not recover in that time, he must resort to an action at law for a personal judgment. It may be here stated that such a lien is given only when the estate is heavily mortgaged, and it is generally regarded as incipient bankruptcy. The mortgagee's claim must, of course, be entirely satisfied before a third party can have a lien by judgment, in which latter case the crop is subject to execution of said judgment, without any exemption whatsoever; in fact, there are no exemptions in any case where an execution of judgment has been issued. The last article of even personal property can be sold to satisfy the claim.

INTEREST.

Six per cent. is the prevailing rate. Interest does not follow a judgment. It is given by the court only when it is demanded in the judgment.

FORECLOSURES.

Mortgages are always foreclosed by action at law—never by sale under power. The usual court costs, when the amount involved is \$128 or under, are, for each subpoena, 50 cents; recording same, \$1; rendering judgment,

§2. When the amount is over \$128 the citation or subpoena is \$1; recording same, (generally) \$2, except as mentioned hereafter; rendering judgment, \$4; and the charge for recording the subpoena is \$1 for every \$1,000 involved or demanded in the action where the amount involved is large. As a rule, the court costs are divided between the litigants. In cases in which the court determines that costs must be paid wholly by one of the litigants there also goes with these costs the fee of the attorney of the opposite side, ranging as high as \$64, never more than that, the amount being fixed by the court in proportion to the importance of the interests involved. This fee is merely a tax, which does not interfere with the attorney's regular charge against his client; in other words, he receives this taxed fee in addition to the fee from his client.

PARTIAL PAYMENTS.

There is no law requiring the recording of partial payments. The practice, however, is to record them. The debtor loses no benefit.

CANCELLATIONS.

The mortgage, with the mortgagee's written statement indorsed thereon that his claim has been fully satisfied, must be presented to the court. A record is made of the filing. Then the indorsed statement above referred to is recorded in full in the usual record book, with a subjoined certificate specifying the date it was presented to the court for filing. Then, under the head of "remarks" as mentioned in reference to the abstract or title book described in the reply to interrogatory No. 1, in the right-hand column of the record page (the two opposite pages containing abstracts of whatever pertain to this special property), it is stated that the mortgage was canceled on such a date, referring to the record book and page therein containing the cancellation in full.

MORTIMER A. TURNER,

Consul.

UNITED STATES CONSULATE,

St. Thomas, June 21, 1889.

DUTCH WEST INDIES.

CURAÇOA.

REPORT BY CONSUL SMITH.

RECORDED INDEBTEDNESS.

There exist only two systems of recorded indebtedness in my district.

(1) Mortgage on real property.

(2) Lien on vessel: (a) the price of a sold vessel not yet paid, or part of it; (b) mortgage given on vessels for money lent or other debts. All mortgages must be recorded. Mortgages neither complicate nor embarrass the transfer of land titles. It is not possible to arrive at the probable proportion of existing recorded and unrecorded indebtedness.

LIENS.

There are liens placed on personal property by law (articles 1157 and 1175, code civil, and articles 293 to 295, code of commerce) or by contract pawn. The property given in pawn can not remain in the hands of the debtor (chattel mortgage), but must be given to the creditor. Such property is subject to execution of judgment. Exempt from execution are some property necessary for the profession, and in some cases the beds and clothes (articles 395 and 396 code of civil proced.). The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is two-thirds. All mortgages must be recorded.

INTEREST.

On mortgage paper the prevailing interest is 6 per cent., on judgments there is a legal interest of 8 per cent.

FORECLOSURES.

Mortgages are foreclosed by action at law and by sale under power. To foreclose by sale under power the power therein must be given in the act of mortgage; if not, then by action at law. The expense is different, and depends on the number of owners of the property and if there are more mortgages inscribed.

PARTIAL PAYMENTS.

Partial payments may be recorded, but the debtor does not lose any benefit if he defaults in part.

CANCELLATIONS.

The ordinary form for canceling recorded indebtedness is a power (notarial) given to the debtor to cancel, and which is inscribed in the registers; for pawn the returning to the debtor of the property pawned, and for other liens a simple receipt.

L. B. SMITH,
Consul.

UNITED STATES CONSULATE,
Curaçoa, July 10, 1889.

FRENCH WEST INDIES.

GUADELOUPE.

REPORT BY CONSUL BARTLETT.

RECORDED INDEBTEDNESS.

Any person wishing to borrow money on real estate for a certain number of years applies to the Crédit Foncier, which appoints a commission to examine the property and estimate the value thereof. All the stock, such as mules, horses, and cattle, and all the tools necessary for the working of a plantation invariably go with the estate and are considered as a part of it.

The Crédit Foncier loans one-half of the estimated value of the estate for a period of ten, twenty, or thirty years, generally for thirty years; and if for thirty years, the party pays 10 per cent. per annum on the money loaned. This interest being paid in punctually each year during thirty years, the original loan at the expiration is considered as liquidated and the mortgage extinguished. The Crédit Foncier is then bound to give the borrower a clean title. If, however, during the period of thirty years the yearly payment is not made, the Crédit Foncier can foreclose the mortgage and have the estate sold by the court. If the sale of the estate fetches an amount superior to what is due to the Crédit Foncier, the difference is handed over to the debtor. If, on the contrary, the amount of sale is inferior to the claim, the local Government supplies the deficiency to the Crédit Foncier up to the amount of 500,000 francs yearly. For a loan from ten to twenty years the interest is in proportion. All mortgages to the Crédit Foncier must be made out by a notary.

One can loan money of private individuals for a shorter time, but the interest is generally higher, and the mortgagee does not have the same advantage from the local administration as the Crédit Foncier. The mortgage can be made out by a notary or under private signatures, but all must be on Government stamped paper.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is from one-third to one-half.

All mortgages must be recorded at the mortgage record office.

From 1884 to 1888 recorded indebtedness was on the increase, owing to the sugar crisis, but for the last year it has been on the decrease.

Mortgages do not complicate or embarrass the transfer of land titles.

UNRECORDED INDEBTEDNESS.

It is easy to arrive at the existing recorded indebtedness at the mortgage record office. Unrecorded indebtedness can not be easily ascertained.

LIENS.

Liens are placed on personal property. The bank loans money on crops and has a prior right over all other claims, and also loans money on valuables that can be deposited in the bank for security. The bank's rate of interest is at present 6 per cent. per annum on all loans. On crops and valuables it is from six months to one year, and on negotiable paper four months' time.

INTEREST.

The prevailing rate of interest, outside of the Crédit Foncier and the bank, is from 8 to 10 per cent.; on all judgments, 5 per cent.

FORECLOSURES.

Mortgages are foreclosed by action at law, and mortgaged property sold by the court at an expense of about 5 per cent. on the value of the property. The purchaser is obliged to pay the expenses of the court.

PARTIAL PAYMENTS.

Partial payments can be made, but must be recorded. The debtor loses all benefit of partial payments if he defaults in part, unless the mortgaged property fetches more than the debt; then he is entitled to the surplus.

CANCELLATIONS.

Mortgages must be canceled at the mortgage record office.

CHARLES BARTLETT,

Consul.

UNITED STATES CONSULATE,

Guadeloupe, September 5, 1889.

MARTINIQUE.

REPORT BY CONSUL GARESCHÉ.

RECORDED INDEBTEDNESS.

Mortgages on real property are the most customary, and, with some exceptions, may be said to be the sole system of recorded indebtedness practiced here.

All mortgages must be recorded.

For the past four or five years recorded indebtedness has been diminishing.

Mortgages do not complicate or embarrass the transfer of land titles.

UNRECORDED INDEBTEDNESS.

It is possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness by the expenditure of much time, labor, and money—not otherwise.

LIENS.

Liens placed on personal property include—

(1) Those on crops of sugar-cane. They are placed only by the colonial bank (Banque de la Martinique), in whose behalf a special law exists. When the contract between the bank and the debtor is not faithfully executed, the bank sends an agent on to the estate to guard and reap the crop in the interest of the bank.

(2) Loans are also made by owners of shares in usines (sugar factories), giving a lien upon their said shares. Failure to pay the debt on the day appointed results in sale of said shares at public auction by official brokers.

INTEREST.

On mortgages there is no prevailing rate of interest. It fluctuates according to the season and the condition of business, being at the present writing from 7 to 8 per cent. Judgments in commercial transactions bear 6 per cent. interest.

FORECLOSURES.

Mortgages are foreclosed by action at law. The expense is inconsiderable, but dependent on the value of the property itself.

PARTIAL PAYMENTS.

Simple receipts are given for partial payments on all obligations. They are not recorded, and the debtor can at any time produce them as evidence of the reduction or payment of his indebtedness.

CANCELLATIONS.

The ordinary form for canceling is by notarial deed. It can be also done by judgment, if the mortgagee refuses to do it amicably.

WM. A. GARESCHÉ,
Consul.

UNITED STATES CONSULATE,
Martinique, September 5, 1889.

SPANISH WEST INDIES.

CUBA.

REPORT BY COMMERCIAL AGENT MULLEN, OF SAGUA LA GRANDE.

RECORDED INDEBTEDNESS.

All loans on mortgages, confessed debts with mortgage, and attachment on chattel property on account of judgments are guarantied and assured by the corresponding inscription in the register of deeds. Where the property consists of live stock, all transactions must be made before the *alcaldes de barrios* (justice of the peace of a ward), whose duty it is to attend to such records. To register a voluntary mortgage (loans on mortgages, confessed debts, annuities of 5 per cent., and covenant sales) the persons must go before a notary public with two witnesses and sign the contract which they wish to make. This document, which is the original, remains in the hands of the notary public and is duly archived, a copy on the corresponding stamped paper being given to the interested parties, who must present themselves inside of thirty days following at the *oficina liquidadora* (office for the liquidation of accounts) and pay the royal duties which the law demands, according to value or amount mortgaged. This receipt and the notes added by the *liquidador* (liquidator) to the aforesaid copy are again presented to the register of deeds, and, if found correct, it is duly inscribed below the last entry of the property referred to in said mortgage. This manner of proceeding refers solely to voluntary mortgages. Forced mortgages, embargoes, judgments, or attachments are made by order of the judge of the court of judicature. Attachments may be made as a preventive measure when it is feared that the debtor intends to hide his property by simulated sales, or when the debtor is a foreigner. The first-named case is a dangerous one, owing to the great difficulty in proving the simulated sale, as in case you

can not prove it you lay yourself liable to a suit for damages. When it is necessary to proceed to a sale at public auction, the necessary instrument is formed and the judge with two witnesses voluntarily present themselves before the notary public and authorize the proposed sale. The notary gives a copy of this document to the parties interested, to the *liquidador*, and to the register of deeds, that the corresponding entry may be made.

All real estate is not inscribable in the registry of deeds, and consequently the mortgages on the same are not inscribable. This class of property is known by the name of *haciendas comuneras* (large tracts of land granted by royal favor to some individual). These lands have been in part transferred, and others have been occupied by individuals who were not owners nor heirs of the owners, nor had they purchased the lands, but who, nevertheless, owing to the old-time carelessness and disorder in matters relating to property, have sold these lands. As at any moment an investigation may be made tending to discover the real owners, it is a dangerous matter to advance money on them, as, should it be proven that former possessors that made the sale did so illegally, money so advanced would be lost.

Great care should therefore be taken in buying this class of property or advancing money on mortgages of same. These lands are at present valuable, and this, combined with the exorbitant interest paid in this country, make them an object of investment.

RATIO OF MORTGAGES TO TOTAL VALUATION.

It is difficult to state the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property, owing to the fact that, though the confessed value on assessed property is known, it must be remembered that the true value is never declared by the owners, who fear the imposing of new taxes. To obtain, therefore, the true value it would be necessary to consult the Government officers, and this would require great time and expense, as the Spanish Government itself does not know the approximate value of this country. This state of affairs, incomprehensible in the United States, is natural in Cuba.

RECORD OF MORTGAGES.

The law does not compel the registering of mortgages, but imposes a fine of 25 per cent. on those who fail to satisfy the taxes due, and an additional 6 per cent. annual interest.

All mortgages, annuities, orders of sale, and any and all documents guaranteed by real estate should be registered, not that the law demands it, but for the interest of the creditor, as without being so registered he lays himself liable to losing the amount involved, as a mortgage of a later date, duly inscribed, would have the preference, notwithstanding any and all testimony that the unregistered creditor would be able to present as per article 13 of the mortgage law at present reigning. It is therefore plain, to be sure, that the only solid guaranty is the corresponding inscription in the registry of deeds.

INCREASE OR DECREASE OF MORTGAGES.

The value of property during the last four years has decreased about 50 per cent., and, if compared with the year 1868, when the insurrection commenced, the decrease is fully 80 per cent. Property can be purchased to-day for \$30,000 in installments which, in the time referred to, was worth \$100,000 cash. During the last three years eight sugar estates have been abandoned and not a single new one formed, while the production of the remaining estates is much less than in former years. With the exception of the present year, the prices since 1878 for sugar have been ruinous for the planter. Up to 1878 muscovado sugar brought from 5 to 6 cents per pound; since that time, up to a few months ago, the current price has been $2\frac{1}{4}$ cents. These low prices, combined with free labor, which is very dear in Cuba, shows the great difference between present and past years. This decrease in the value of property has frightened the capitalists, who, in view of the indifference and want of action on the part of the Spanish Government to remedy existing difficulties, send their money to foreign banks, fearing new and grave complications. Owing to this decrease in property, and the product and rent of the same, credit, as a natural and logical consequence, has completely disappeared. This increase of debt, decrease of property, and consequent loss of credit show but too plainly the present bad state of the country.

UNRECORDED INDEBTEDNESS.

To obtain the amount of recorded indebtedness would be a work of many months, and would necessitate a great outlay of money. As it would require a certificate from the register of deeds of each particular property of unrecorded indebtedness, it would be impossible to obtain or form any idea.

LIENS.

Liens may be placed on chattel property, real estate, live stock, and crops, as follows: Liens on real estate are noted in the registry of deeds; liens on live stock are noted before the *alcaldes de bassio*. When liens on chattel property are made in consequence of a judgment, the property attached is placed in possession of some responsible person agreeable to the person making attachment, where it remains until the suit is decided before the courts, and, if decided in favor of the plaintiff, sale of same is ordered at public auction. The same manner of proceeding holds good as regards crops of all kinds but sugar. Real estate is not responsible for personal indebtedness or debts that have not been guarantied by mortgage, excepting in the case already cited of preventive liens, or in cases where judgment is given in favor of the plaintiff and the aforesaid real estate is embargoed. This being the case, it is but natural to suppose that when a lawsuit is in progress and the chances of defeat are apparent the property is transferred, and when the order of judgment is received there is no property to attach. As imprisonment for debt is not a law in this country, the only recourse left for the creditor is to wait until the debtor acquires property.

It is customary among the sugar planters to dispose of part of the sugar crop by promise, in order to obtain money for the carrying on of their business. This business is done through the agency of commercial notaries duly authorized to conduct such business. If a planter promises through one of these notaries 100 hogsheads of sugar not yet made, and if, after making same, should dispose of them to a second party, it would undoubtedly be a case of theft; but the law in this case is evaded by the planter falsely mortgaging his estate and foreclosing the same. The estate is bought at public auction by the false creditors, and the remaining creditors have no evidence, as it must be understood that debts guaranteed by mortgages have the preference over all other credits, the oldest mortgage having the preference. These promissory sales of sugar are not inscribable in the registry of deeds, and do not, therefore, prejudice the new owner who purchases the estate, even though the entire crop had been so sold. In order to avoid these difficulties merchants will not advance money on the crop without solid guaranties, or when the planter is recognized as perfectly reliable and honorable, or by the corresponding mortgage. When a monthly allowance is desired by the planter, the contract is made before a notary public, mortgaging the estate for a just fulfillment of the contract.

Up to 1888 these contracts for money necessary for the increase and production of the crop had preference over mortgages, though the mortgages were verified and duly inscribed prior to the aforesaid contract. Since 1888 they have not any preference over mortgages unless verified at an earlier date.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages or other debts on real estate do not complicate or embarrass transfer of titles or sale of same when they amount to less than the value of the property. Upon application the register of deeds furnishes a certificate duly signed of the number of debts due, to whom and the amount thereof, he being responsible for the correctness of same in accordance with the registry kept by him.

INTEREST.

The law demands the payment of one-half of 1 per cent. on the amount called for by the mortgage on real estate. No interest is demanded on judgments, excepting at the conclusion of the suit and when the creditor takes possession of the property mortgaged, when 3 per cent. of the value of the property involved is paid to the Government. Indirectly, however, an enormous tax is imposed by the compulsory use of stamped paper, according to the amount in question, viz:

Up to \$75	\$0. 35
\$75 to \$1,250.....	0. 50
\$1,250 to \$6,250.....	0. 75
\$6,250 to \$12,500.....	1. 10
\$12,250 to \$50,000.....	1. 50
\$50,250 to \$150,000.....	1. 85
\$150,000 upwards.....	3. 00

Interest on mortgage paper is not stipulated by law, and the usurer is allowed full liberty to name the interest mutually agreed upon, it being so expressed by the reigning mortgage law. The customary rate of interest demanded and paid is $1\frac{1}{4}$ to 2 per cent. monthly. On money advanced that is not guarantied by a mortgage (such as promissory notes) interest at 2 and $2\frac{1}{2}$ per cent. monthly is demanded from responsible and trustworthy persons. By a royal decree of March or April, 1889, 6 per cent. per annum is declared to be the legal interest. This, however, does not affect the facts before stated, as it refers to Government business, to the property of minors as the minimum interest, and in cases of matured promissory notes where no interest is stipulated.

FORECLOSURES.

Mortgaged property is voluntarily sold, delivered up, or transferred to another person without the intervention of the judge. When same is forced by law the court orders the sale. These sales pay a Government tax of 3 per cent. on the amount received, with the accompanying cost of stamped paper, as follows:

	Each sheet.
Up to \$100.....	\$0.35
\$100 to \$200.....	.50
\$200 to \$500.....	.75
\$500 to \$1,000.....	1.10
\$1,000 to \$1,500.....	1.50
\$1,500 to \$2,000.....	1.85
\$2,000 to \$2,500.....	3.00
\$2,500 to \$5,000.....	6.00
\$5,000 to \$7,500.....	11.25
\$7,500 to \$10,000.....	18.75
\$10,000 to \$20,000.....	28.10
\$20,000 and upwards.....	37.50

PARTIAL PAYMENTS.

Partial payments on mortgages or judgments must be made before a notary and inscribed in the registry of deeds. In the receipt given for the amount received it must be plainly stated that the money is a partial payment; that it was paid before a notary; that the conditions of the contract remain the same, deducting the partial payment. If these formalities are complied with and the debtor fails to fulfill the remaining part of contract, he receives the full benefit of money so paid.

CANCELLATIONS.

For the canceling of any mortgaged debt the owner of the property so mortgaged and the creditor of the same, with two witnesses, appear before a notary public. The debtor presents the money to the creditor, the notary certifies to same, and a receipt is duly signed by the notary, creditor, debtor, and witnesses; the notary presents a copy of same to the register of deeds, and the debt is canceled. Mortgages cancel themselves when the creditor

becomes the owner by purchase of the mortgaged property, as it is impossible to combine creditor and debtor in one person, and also when the property is not sufficient to pay all mortgages, viz: A property has several mortgages; the owner of first mortgage demands settlement, which debtor refuses; a committee, composed of all creditors, is formed, the property is appraised and sold at public auction, and if at said auction the bidders' offers do not cover the amount of the first mortgage, the possessor of same becomes the owner, thus canceling all later mortgages. Should the bids cover the first mortgage and any thing remains after payment of same, such amount would go to holder of second registered mortgage, and so on in their order. The holders of these unpaid mortgages have the right to prosecute the first owner of the property, but all right to the mortgaged property is lost, leaving the new owner clear of all liabilities.

D. M. MULLEN,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Sagua la Grande, June 1, 1889.

CUBA.

REPORT BY CONSUL REIMER, OF SANTIAGO DE CUBA.

INTRODUCTORY.

Before answering the interrogatories of your circular it would be well to briefly relate the conditions and events which, in 1880, caused the Spanish Government to adopt, in her ultramarine possessions, the short gage laws of Spain proper. In the first and second revolution such titles to real estate—defective at most—as existed were in the hands of the “*escribanos*” and not registered by any court. These were, to a great extent, destroyed, which led to considerable legal entanglements and confusion. The commission appointed in 1880, in order to base legislation of mortgages on a proper and firm foundation, modified the laws existing on titles of ownership.

This was a measure demanded by the state of affairs above mentioned. The first reform established was to create a legal registry of titles, which before had not existed. Before this law went into effect the *escribanos*, whose functions are similar to our clerks of the court, kept on file in their respective offices such proofs, and titles, and documents as existed. The new law demanded that all such titles should be registered by the court and allowed ownership to be proved through witnesses, proofs that persons claiming title had resided on the land for a certain term of years, by long leases, by former mortgages, by will and testament, and, of course, always with evidence of the claimant of the title having paid to the State the taxes on the property. After 1880 no title is valid which has not been registered.

RECORDED INDEBTEDNESS.

A mortgage is executed by deed before a notary public, and, after paying the revenue tax of one-half of 1 per cent., is registered at the public registry

Nos. 110 and 111—22.

office. These requirements fulfilled, it becomes a title ready for foreclosure when the term for which it was taken has expired. Mortgages can only be taken and registered on real estate and not on chattels. Liens can be given on chattels but not recorded.

It is impossible to give ratio which mortgages and judgments bear to total valuation of taxable and assessed property.

On executing a mortgage the parties are warned by the notary of the obligations of presenting it to the public registry office for the taxes to be liquidated, and of paying the same, after which it is taken back to the recording office to be recorded. If not recorded, third parties are not affected, and as far as other creditors against the property are concerned the property would have no encumbrance on it.

Mortgages do not complicate or embarrass the transfer of land titles, but, of course, the property on being transferred carries always the lien on it.

Recorded indebtedness is, just now, probably diminishing in proportion to estimated values.

UNRECORDED INDEBTEDNESS.

In regard to the probable proportion of existing recorded and unrecorded indebtedness: As unregistered indebtedness or mortgage is not valid, I have no doubt that very little of such indebtedness exists. The registered mortgages and the total amount they sum up it is possible to determine at the office of the registrar of titles and mortgages. Whether such registrar could allow me access to his books I have reason to doubt.

LIENS.

Liens are placed on personal property by means of embargo after a judgment obtained, a sufficient amount of property being embargoed to cover the amount for which judgment has been granted. Such a lien could not be placed, however, if there were still pending a general claim, such as creditors against a person who has failed or in the case of intestate property. Also, the State, province, and municipality have a preference over any mortgage for the payment of the last year of taxes due.

INTEREST.

The rate may vary from 6 to 18 per cent. per annum, according to agreement of parties, there being no limit, but if no rate is fixed the Government rate is taken. Said Government rate has been fixed for the present year at 6 per cent.

FORECLOSURES.

Mortgages are foreclosed by mutual agreement or by action at law. The expense of the law action would depend on the case, but it is much cheaper and speedier than an ordinary suit. In addition to mortgages "retroventas" are given instead, but they are the exception. Under a retroventa the property passes to the lien-holder without further action at law, if the debt con-

tracted is not paid on the day stated. Retroventas are recorded in the same way as mortgages.

PARTIAL PAYMENTS.

Partial payments are recorded if the debtor exacts it. If they were not recorded, the debtor would not lose his benefit, as long as he could prove the payments, if he defaults in part, unless the mortgage expressly stipulates that he should in such case forfeit any part payments made.

CANCELLATIONS.

Cancellation is made before a notary, and taxes are paid and the cancellation is registered or recorded in the same way as the execution of a mortgage.

OTTO E. REIMER,
Consul.

UNITED STATES CONSULATE,
Santiago de Cuba, June 14, 1889.

BARACOA.

The consul at Baracoa, Henry G. Pryor, reports as follows concerning local conditions, the conditions relating to the island being fully covered by Consul Reimer's report:

The probable ratio which recorded indebtedness and judgments bear to total valuation of taxable or assessed property is about 10 per cent.

Mortgages complicate and embarrass the transfer of land titles, and to avoid such complications the Government has established a recorder's office.

At a trifling cost mortgages are foreclosed by a justice of the peace. This is called conciliation; but by proving fraud or error the mortgageor can, by giving bonds for costs, carry the case up to the court of common pleas.

Recorded indebtedness is increasing here, having been renewed and remodeled since 1878.

CIENFUEGOS.

REPORT BY CONSUL EHNINGER.

This report has been translated literally from data furnished by a lawyer of this city, and I have thought it best not to change its phraseology.

RECORDED INDEBTEDNESS.

In this consular district, as in all the island of Cuba, there prevails a system of registered indebtedness, guarantied by real estate, in accordance with the royal decree of May 16, 1879, which began to be effective in this island in January, 1880. This law and the explanatory regulation admit of mortgages both legal and tacit in favor of minors, of married women, and of certain charitable institutions of the municipality, of the province, or of the state or Government. Lien laws, as understood in the United States, do not

prevail in this island. There is the preventive embargo of real and personal estate, which I will explain. When a debtor is summoned to appear in answer to a suit, and does not present himself to answer the suit, he is then accused as a rebel (*acusado en rebeldia*), and the creditor may ask that a sufficient amount of his property be retained to cover the amount of the debt until the trial is finished. Debts confessed before a competent magistrate, as well as those acknowledged by sentence pronounced in judgment, give to the creditor the right to solicit and obtain the embargo of all kinds of property of the debtor sufficient to cover the amount of principal, together with interest and the costs which may accrue until complete payment has been made.

The island of Cuba is divided into judicial districts (*partidos judiciales*), each of which is the province of a judge of instruction or of first instance. In this consular district, which comprises the province of Santa Clara, there are two *partidos judiciales*, that of Santa Clara and that of Cienfuegos, and in each of these cities there is an office for the registration of all property as well as mortgages, under the direction of a lawyer called the recorder of property (*registrador de propiedad*). This functionary is appointed in Spain. The number and importance of mortgages and of judicial decisions is unknown, and any valuation of taxable and assessed property would be hypothetical. Real property is burdened by many irredeemable and as yet unvalued taxes in favor of the Catholic church and its clergy, but Government tends towards a legal abolition of these burdens. Besides this, real estate is burdened by many legal and tacit mortgages, not determined as to number and importance. So many and of such importance are the difficulties of giving an answer at all approximating to truth to this interrogatory, that it may be considered unanswerable.

The law of mortgages requires that every legal and voluntary mortgage be recorded, and also requires the registration of tacit mortgages—which, it is to be regretted, still exist—for the reason that Government has not fixed a period within which they must be registered or else become void. With the exception of legal and tacit mortgages, which existed previous to the promulgation of the law of mortgages, it may be said the unrecorded mortgage does not prejudice the innocent purchaser. The system of mortgage legislation prevailing in Cuba has for its base publicity and specification of mortgages, and tends to the abolition of hidden and general mortgages, which old customs and former laws have hitherto permitted in favor of married women, minor children, and incapable persons. Legal mortgages not yet registered complicate or embarrass the transfer of land titles, but not those which are public and specific by being recorded.

Recorded indebtedness is on the increase in proportion to estimated values, and the more so as the value of real estate tends to diminish, principally from commercial causes.

It is very difficult if not impossible to arrive at a probable proportion between existing recorded and unrecorded indebtedness, but it is not venture-

some to assume that from the obvious difficulties and expense of recording, from the relative political and financial advantages enjoyed by commerce, and of which agriculture is deprived, and from the reluctance of capital to establish itself definitely or even temporarily in a country whose natural development is paralyzed by the laws imposed upon it, that unrecorded and short-time debts should be in their totality much greater than recorded ones, although the time allowed on these latter is generally from one to three years.

UNRECORDED INDEBTEDNESS.

To get at a probable proportion of recorded and unrecorded indebtedness it would be necessary that the Supreme Government should carry out the statistical work necessary. By overcoming costly difficulties it might be possible to obtain from the recorders a statement of registered and uncanceled indebtedness during the last thirty years. For there are claims which expire at the end of thirty years, others, like mortgages, at the end of twenty years, and others in less time.

LIENS.

According to existing legislation in Cuba personal property, including crops, may be embargoed, either by preference given in legal quality of credit or by confession of judgment, but voluntary preferences are prohibited by the laws relating to cases of insolvency, and are null whenever the preference is not expressly granted by law. The lawfully preferred credits, which might prejudice hypothecary and personal credits, are few and with a tendency to become still fewer. Personal property, including crops, and all the property of a debtor are subject to execution of a sentence. The only exemptions are the following: Beds, bedding, and wearing apparel of the debtor, his wife, and children, and the tools and implements necessary for the trade or profession which he exercises. (Article 1447 of the laws of civil judgment in force in Cuba.)

INTEREST.

It is difficult if not impossible to determine with exactness the rate of interest which prevails on mortgage paper. Real estate in the country pays a higher rate of interest to obtain money on mortgages than that in the city, and it may be safely asserted that the rate of interest paid on mortgage on city property varies from 12 to 18 per cent. per annum, and on country property from 18 to 24 per cent. per annum. In the case of judicial sentences and in contracts in which the rate of interest has not been agreed upon the prevailing rate is that known as the legal one, annually fixed by Government, and which has been 8 per cent. per annum for some years past.

In Cuba there are no laws against usury, and the rate of interest depends on the contracting parties.

FORECLOSURES.

Foreclosure of mortgage as prevailing in the United States does not exist here. A debtor on mortgage, by the legislation of Spain, is sued when he

does not fulfill his engagement. If judgment is declared against him, sentence is dictated by the judge, and he is ordered to fulfill or, if not, the mortgaged property is sold at public auction.

PARTIAL PAYMENTS.

Partial payments on recorded indebtedness must be recorded, and the debtor loses all benefit if he fails to meet in any part his obligations of payment thereon.

CANCELLATIONS.

The ordinary form of canceling, totally or partially, a recorded debt is the following: The person interested must present to the recorder the title in virtue of which the cancellation is to be made and the document in which is proved the cancellation of the mortgage and its inscription. In both of these documents the recorder will note the fact of the cancellation and inscription. In order that those interested in the canceling may not be deprived of the title, when this becomes a public writing, they must present it to the recorder, accompanied by a copy on common (unstamped) paper, signed by the interested parties.

The expenses of cancellation of a mortgage may generally be estimated, on account of stamped paper and the fees of the officials who intervene in the cancellations, at somewhat more than what is marked in article 9 of the regulation for the administration and realization of the imposition of taxes and the transmission of property in the island of Cuba in force since 1883. In accordance with said article there shall be paid —

For the constitution, examination, or modification of the mortgage, one-half of 1 per cent. of the value or capital guaranteed thereby; for the extinction of the mortgage, one-tenth of 1 per cent. of the same value or capital guaranteed if such process takes place within two years of the constitution, and one-fourth of 1 per cent. if it take place from two to five years after, and one-half of 1 per cent if a longer time has elapsed. The transfer of the title of mortgage shall pay one-half of 1 per cent of the value or capital guaranteed.

HENRY A. EHNINGER,

Consul.

UNITED STATES CONSULATE,

Cienfuegos, August 22, 1889.

CONTINENT OF ASIA.

ASIATIC TURKEY.

ASIA MINOR.

REPORT BY CONSUL JEWETT, OF SIVAS.

EXPLANATORY.

It should be stated, with reference to the following replies, that while Turkey has nominally adopted a code of civil procedure based upon the French code, it is very loosely followed, especially in the provinces of the interior, and proceedings at law, as well as the system of mortgages and other legal obligations, depend rather on ancient custom than on statute law. The replies to the committee's questions, therefore, refer more to the usual and customary methods in vogue in this consular district than to the strict letter of the law.

RECORDED INDEBTEDNESS.

When a loan is made upon real estate the full value of the property or as near thereto as the parties can agree on is loaned. The borrower gives the lender a deed of sale, together with the title-deeds of the property. The deed of sale includes a defeasance clause, providing for a retransfer to the debtor in case the loan is repaid at the specified time. This transaction is made at the Konak or Government house, and a record of it is kept there. The evidence of the transaction (mortgage) depends, however, both as relates to the parties to it and to third parties, not on the official record, but on the possession of the title-deeds. There is no system of recording indebtedness on chattel mortgages. Judgments decreed are liens both on real and personal property, but the record of these, as well as the records of title, mortgages, and liens, are unworthy of the name, and are of little practical service in determining the title or encumbrances on land. Judgments by confession are unknown.

Recorded indebtedness is greatly increasing in proportion to estimated values.

It is impossible to arrive at any estimate of the proportion of unrecorded to recorded indebtedness.

RATIO OF MORTGAGES.

It is impossible to state the ratio which mortgages and judgments bear to total valuation of taxable and assessed property. The ratio is large. All small farmers are, as a rule, always in debt.

RECORDED MORTGAGES.

Mortgages are not recorded, but a note of the transaction is made at the Government house.

LIENS.

Liens are placed on personal property by preference, and such property is subject to execution of judgment. When property is sold on execution there are exemptions as follows: The house occupied by the judgment debtors, unless said house be larger than the debtor and his family reasonably need, in which case it is sold for the benefit of the creditor and a smaller house, sufficient only for his needs, is given the debtor, or a sum sufficient to provide him such a house is apportioned him from the proceeds of the sale. Land necessary to produce the grain required for the subsistence of the debtor and his family is also exempt. If the land in question is more than sufficient for this purpose, a portion of it is allotted the debtor and the balance sold in satisfaction of the judgment. Should property sold not satisfy the judgment in full, the debtor is still liable for the balance. I may add that chattel mortgages are not taken by private parties on crops, but the recently established Government Agricultural Bank loans money to farmers, for the purchase of seed, at 6 per cent. interest. The loans are small, not exceeding \$15 each. In case of default in payment the Government collects by summary process, without action at law, by seizing property or imprisoning the debtor.

INTEREST.

Legal interest is limited to 9 per cent. per annum, having been reduced two years ago from 12 per cent. The legal rate is, however, universally evaded (except on judgments), and, by making the higher interest a part of the nominal principal or deducting it in advance, interest on loans is commonly paid at the rate of from 12 to 50 per cent. per annum, and even higher. On small loans the prevailing rate of interest is 7 per cent. per month.

Mortgages do not complicate or embarrass the transfer of land titles, as mortgages as well as real estate transfers are evidenced by the possession of original title-deeds.

FORECLOSURES.

Chattel mortgages are foreclosed by action at law and sale in the public market under execution of judgment. Real estate mortgages being rather sales, subject to defeasance, with transfer of title-deeds, are foreclosed without sale or action at law, the creditor taking possession on default, the amount of the loan being, as before stated, invariably the full value of the property. The creditor, having the title-deeds, requires no further evidence of title.

PARTIAL PAYMENTS.

Provisions as to partial payment and as to the extent of the debtor's loss depend entirely on the personal agreements made between the parties.

CANCELLATIONS.

Cancellations are made, in case of real property, by redelivery of the title-deeds and an acknowledgment entered at the Government house; in case of chattel mortgage, by acknowledgment and giving a receipt. All receipts to be valid must bear a Government stamp.

H. M. JEWETT,
Consul.

UNITED STATES CONSULATE,
Sivas, June 20, 1889.

PALESTINE.

REPORT BY CONSUL GILLMAN, OF JERUSALEM.

RECORDED INDEBTEDNESS.

All systems of recorded indebtedness, such as mortgages on real and chattel property, liens, and judgments, both decreed and confessed, prevail in this district.

The probable ratio of mortgages and judgments to total valuation of taxable and assessed property is at least 25 to 35 per cent.

Recorded indebtedness is increasing. It would be difficult, if not impossible, to arrive at an estimate as to the probable proportion of existing recorded and unrecorded indebtedness. It would entail long and laborious investigation, most arduous in a country like this. General opinion, however, would place the unrecorded in excess of the recorded indebtedness to the amount of two-thirds of the latter.

All mortgages must be recorded; and not alone is this so, but the title-deeds of the property mortgaged are handed over to the mortgagee, who retains them till the discharge of the mortgage, so that second or more mortgages are unknown here.

The transfer of land titles has always been an embarrassing matter here, and mortgages only increase the complications. Mortgages must, in general, be discharged before the transfer of land titles can be effected.

LIENS.

Liens are seldom placed on personal property, including crops, either by preference or confession of judgment, though such property is subject to execution of judgment. In case of mortgaged property there is no exemption; but in other indebtedness property is exempted to an amount sufficient to provide a home for the family. It would seem there is great liberality and leniency observed in this respect; for instance, where a family is large, a proportionate exemption of property is allowed, the court having full power and exercising its judgment in the matter. There are cases also where, through personal interest or influence, undue partiality is considered to be shown in this connection. Crops are seldom or never mortgaged. Furniture, bedding, clothing, and goods sufficient for use of family are exempt, as also are

the tools of a workman with which he gains his livelihood. In this all the needs of the family are regarded and taken into account.

INTEREST.

For the last two years the legal rate of interest has been reduced to 9 per cent. ; formerly it had been 12 per cent. per annum. By private arrangement from 12 to 15 per cent. is frequently paid. Even as high as from 50 to 300 per cent. is paid in certain emergencies, and especially by the Bedouins, who often cancel the debt with the produce of their fields, and who, notwithstanding this outrageous usury, are generally faithful to their contracts.

FORECLOSURES.

Mortgages are foreclosed by action at law and by sale under power through the local courts at an expense of $2\frac{1}{2}$ per cent on the value of the mortgage.

PARTIAL PAYMENTS.

It is not absolutely necessary that partial payments be recorded, though it is considered better to have them of record ; and the debtor who defaults in part is credited with such payments as he can prove he has made. These are generally indorsed on the paper, and are held by the court as sufficient evidence of the payments.

CANCELLATIONS.

The form for canceling is that a receipt in full is written upon the mortgage, which is declared canceled ; and, also, the discharge is entered on the register of the court, the title-deeds being returned to the mortgagee or owner of the property.

There are here many quaint forms connected with the giving and discharging of mortgages, which have become or are becoming obsolete ; for instance, it was thought necessary to the validity of the mortgage that the mortgagee should place his hand upon, or take hold of, the property in question. I have had this seriously introduced in a case brought before me of canceling a mortgage on a house, the form not having been complied with, and the validity of the mortgage being, in consequence, called in question.

HENRY GILLMAN,
Consul.

UNITED STATES CONSULATE,
Jerusalem, June 18, 1889.

SYRIA.

REPORT BY CONSUL BISSINGER, OF BEIRUT.

RECORDED INDEBTEDNESS.

The system prevailing in this consular district for mortgaging real estate, pursuant to Ottoman law and regulation, is the following.* The owner of the property is obliged to secure a certificate from the local civil and religious authorities (called, respectively, *monkhtars* and *imams*) of the quarter

* See supplementary notes by Consul Bissinger, immediately following this report.

in which the property is situated, which must set forth (1) that the property to be mortgaged is his; that it is acquired either by purchase, as shown by the title-deeds, or by inheritance; and (2) that it is neither hypothecated, nor in dispute, nor in litigation. This certificate is then presented to the *tapou*, or registry office, which proceeds to the examination of the title-deeds of the property in question, and, if found in perfect order, the aforementioned certificate is referred back to the real estate tax office, then sent to the *mu-hassabeh*, or comptroller's office, and finally to the municipality. If the statements to be procured from these various departments all show that the owner of the property is not in any way indebted to the Government, the certificate, with such statement attached thereto, is then filed away by the *tapou*, or registry office, and after payment of the mortgage fee, which is 1 per thousand, a blank form of mortgage is filled out by the *tapou*, or registry office, fully stating the conditions or terms of the mortgage. This mortgage form is submitted to the administrative court, before which the contracting parties are bound to appear, and in the presence of all its members and the *tapou* functionaries acknowledge the mortgage. After such acknowledgment by the mortgageor and mortgagee, the mortgage is duly recorded, and the respective seals of the *tapou* bureau are affixed to such record, while the mortgage itself is delivered to the mortgagee, together with the title-deeds of the property, countersigned and sealed by the director of the *tapou*, or registry office, by his clerk, the cashier, and sometimes also by the *naib*, or head of the civil-religious court. A power of attorney is generally attached to the mortgage conferring authority to either the mortgagee or whosoever he may elect to sell the mortgaged property in case the debt is not promptly extinguished at the expiration of the mortgage.

Liens on chattel property are merely to be acknowledged before, and duly legalized by, the public notary of the Government in order to be valid, but not be recorded as in the case of mortgages on real estate.

As to judgments decreed, the procedure is as follows: After the court has rendered a judgment a copy of it, written on stamped paper and bearing the seal of the court and the signatures of the president and its chief clerk, is delivered to both the plaintiff and defendant in the action. To the debtor it is communicated either in person or sent to his place of residence. If the debtor's residence is not within the jurisdiction of the court which decreed the judgment, it is transmitted to him in a letter from the president of the court through the highest functionary in authority in the place of his actual domicile; or, should the debtor reside in a foreign country, the judgment is communicated to him through the ministry of foreign affairs of such foreign country; and lastly, if the condemned party has no fixed residence at all, or if his domicile is unknown, the president of the court directs the judgment to be posted up in the hall of the court, while a copy of it must be published in the official local newspaper. An acknowledgment showing the date of its communication and reception must be returned to the court by the debtor against whom a judgment has been decreed, or by those author-

ized to receive it on his behalf; this receipt or acknowledgment, after being countersigned by the clerk of the court, is placed in the possession of the creditor. Unless a judgment is communicated in this way, it can not be legally executed.

After such communication of a judgment to a debtor the creditor presents a petition to the president of the court of first instance demanding the execution of the same. The president refers this petition, together with the copy of the judgment in the possession of the creditor, to which is attached the receipt and acknowledgment of the debtor, to the executioner, who is bound to furnish the creditor with a receipt for the documents thus placed in his hands for execution. It then becomes the duty of the executioner to notify the debtor that he has to satisfy the debt within eight days if the debt is the result of an ordinary transaction, or within three days if contracted by virtue of authentic documentary and acknowledged proof or evidence or if the judgment is based on a previous judgment not appealed. If any objections are to be offered by the debtor, they must be stated in writing within twenty-four hours.

A judgment issued by default can not be executed before the lapse of thirty-one days from the date of its communication to the debtor. If within the above-mentioned term, however, the debtor presents an *ihun-habar*, or order from the court which issued the judgment, to the effect that he (the debtor) has presented a bill of exceptions and objects to a judgment by default, then the execution of the judgment must be suspended pending a new trial of the case; but, if a judgment has not been issued by default, and the debtor secures and can exhibit an *ihun-habar*, or order from the court of appeal, to the effect that he has appealed from the decision of the lower court within the lawful time of sixty-one days from the date of the communication of the judgment (or within sixty-one days from the date of the expiration of the limit fixed for a new trial), then the execution must be suspended. Also, if a judgment has not been issued by default, and the debtor obtains and exhibits an *ihun-habar*, or order from the court of cassation (the court of last instance at Constantinople), to the effect that he has appealed it within the ninety days allowed by law, then its execution must be suspended.

To secure the validity of a confessed judgment a petition must first be addressed to the court, before which the two parties are summoned, and upon the confession of the debt by the debtor the court issues the judgment.

The execution of a judgment is effected in two ways: (1) By the imprisonment of the debtor when there is no real or chattel property apparent to be seized, but when the creditor can prove by reliable evidence that the debtor has the means of paying but is not disposed to do so, and when it is apprehended that he will hide or run away or is unable to furnish a guaranty;* (2) by laying seizure to his real and chattel property.

* The imprisonment of a debtor for debt can not be for a longer period than ninety-one days, during which time the creditor, however, is bound to pay 5 piasters per day, payable monthly in advance, for the support of the incarcerated debtor.

Once the seizure is effected the executioner merely again notifies the debtor that if he does not pay the debt the property seized will be sold to satisfy the claim of the creditor. If the debtor does not respond to this summons, the sale of the chattel property must take place at public auction within three days after the date of the notification, and the sale of the real estate after fifteen days, conformably to the rules governing such cases. Notice of the sale must always be given through the official local newspaper and by public notices or posters. If the debtor declines to allow the transfer of the real property to the name of the lawful purchaser thereof, the president of the court brings the matter to the notice of the *tapou*, or registry bureau, and the transfer is made there without the consent of the debtor.

If, after satisfying the amount of the debt, including all expenses and costs, any money is left over from the sale of the property of the debtor, the residue must be passed over to him, and, if practicable, the auction sale should be stopped as soon as a sufficient amount to pay both the debt and expenses has been realized.

The execution of a judgment can take place at once if the judgment is the result of a debt based upon authentic and confessed documents and evidence; in such a case, however, sufficient bail must be furnished.

The limitations of the various kinds of indebtedness are as follows:

(1) All ordinary debts outlaw in fifteen years if left in abeyance.

(2) Debts contracted in commercial transactions by bills of exchange or bills payable outlaw after the lapse of five years (*a*) if not protested, from the date next following the day of maturity, and (*b*) if protested, from the date of the protest.

If an action has been brought before the court and a judgment issued, or if the bills of exchange and bills payable by virtue of which the debt has been contracted have been acknowledged in a separate document or act which changes the nature of the debt, then the debt only outlaws after the lapse of fifteen years from the date of the judgment or that of the document or act.

(3) Judgments, both decreed and confessed, if left in abeyance, become null and void after the lapse of fifteen years.

The probable ratio of mortgages and judgments to total valuations of taxable and assessed property can be obtained.

All mortgages on real estate must be recorded in order to be valid.

Mortgages complicate and embarrass the transfer of land titles because the owner of the mortgaged property can not sell it without the consent of the creditor to whom it is hypothecated, or until the entire extinguishment of the debt upon it, and even if the debtor should sell it, the transfer remains subject to the approval of the creditor and to the discharge of the whole debt thereon.

No statistics are obtainable which would show whether recorded indebtedness is increasing or decreasing in proportion to estimated values.

UNRECORDED INDEBTEDNESS.

No statistics exist in this district which would enable me to arrive at the probable proportion of recorded and unrecorded indebtedness.

LIENS.

Liens are placed on personal property, which is subject to seizure and execution of judgment. As to crops, they can only be mortgaged if they have already been gathered in and stored. Nothing can be hypothecated that does not exist or that can not be delivered. For instance, fruit on trees, or ungathered cocoons, or unharvested cereals can not be mortgaged (see below), and such personal property is not subject to execution of judgment. Other exemptions from seizure and execution of judgment are—

(1) The amount adjudicated by the courts for the nourishment and maintenance of the debtor.

(2) The objects necessary for the clothing, nourishing, and lodging of the debtor's family.

(3) The machinery, instruments, and accessories necessary in the exercise of the handicraft of the debtor.

(4) The tools and agricultural implements of the farmer, his ungathered crops, or his partner's share therein, and the part belonging to the Government, such as tithes, etc.

(5) All kinds of fruits not gathered in.

(6) Not more than one-fourth of the salary of any State or Government functionary.

(7) The official uniform of civil, judicial, and military officials.

(8) The movable and immovable property of every description belonging to the Government.

(9) Bills of exchange in circulation, bills payable to the order of the debtor, and checks payable to bearer. If, however, the debt is the result of the price of the objects and goods to be seized, or if the said commercial bills have been lost, or the bearer thereof has declared himself bankrupt, or if they have been protested for non-payment, or, again, if the names of the bearers have been officially designated and published by order of the competent tribunals, *i. e.*, that they have been withdrawn from circulation, then they can be attached or seized and become subject to execution of judgment.

There are no preferences, and no one creditor has any preference or right over any other creditor in a seizure; even should he have succeeded in attaching a debtor's property, the produce or value thereof must be divided among all creditors in proportion to their respective claims.

INTEREST.

The prevailing rate of interest on mortgage paper and judgments is the legal rate of 9 per cent. per annum. Often, however, the interest is included

in the total amount of the mortgage and exceeds the legal rate, reaching 10 to 11 per cent. and even more. In other instances the debtor allows the creditor the crops or produce of the mortgaged property as interest for the money advanced.

FORECLOSURES.

Mortgages are foreclosed by action at law only when no one has been designated or authorized under the articles of agreement of the mortgage to act for the mortgagee, as stated in answer 1. The expense of foreclosure depends upon the circumstances of the case. In the former instance the agent authorized to sell the mortgaged property is bound to notify the debtor twice through the public notary of the local government, for which service he has to pay a fee of 63 piasters, equal to \$2.77 for each notification. In the latter case the expenses are those incurred in any ordinary action of law, pursuant to the tariff of official fees established, plus $2\frac{1}{2}$ as execution fee.

PARTIAL PAYMENTS.

It is not legally required that partial payments be recorded; it suffices, whenever a payment is made, to indorse its amount on the back of the mortgage or to attach a separate receipt thereto. It is often stipulated in the articles of agreement of a mortgage that in case the debtor fails to meet the first payment its terms become null and void, at the same time conferring upon the creditor the right to sell the property; or, again, if the mortgageor defaults in part he loses his right to the restitution of his property at the expiration of the mortgage term or until the entire liquidation of the debt, but it nowhere appears that partial payments are to be forfeited.

CANCELLATIONS.

The forms for canceling mortgages vary slightly in detail; generally, however, a receipt for the entire amount is written upon the back of the mortgage by the mortgagee over his seal and signature and that of two witnesses. The parties to the agreement must also appear before the *tapou*, or registry bureau, as well as before the administrative court, and mutually acknowledge the liquidation of the mortgage. After the payment of the legal fee, which is 1 pro mille, the *tapou* functionary takes back the mortgage from the creditor, placing it on file, and furnishing him in exchange with a paper certifying to the canceling of the mortgage. In other cases the *tapou* functionary simply affixes his seal and signature to the mortgage and writes across it that the debt had been properly extinguished.

ERHARD BISSINGER,

Consul.

UNITED STATES CONSULATE,

Beirut, June 29, 1889.

The following are supplementary notes to foregoing report :

MORTGAGES.

According to a recent decision of the council of ministers, sanctioned by imperial iradé, house and land property hypothecated to creditors by a legal deed, or by private convention, may be sold for the benefit of the creditors if, in the event of the presentation to the land registry office of the deed of hypothecation, the debtor, after due notice from the said office, does not apply to the tribunal for an adjournment of the transfer. As in the operations of the land registry office land and house property has in several cases been valued and taxed in an arbitrary manner, resulting in complaints on the part of the tax-payers and a decrease in the receipts of this branch of the revenue, it has been decided to have a new and equitable valuation of hypothecated property, and to repeat this operation every four years.

REGISTRATION FEES.

By imperial iradé the tariff of registration fees has been modified as follows: For deeds drawn up by notary for a value of 5,000 piasters (\$220) the registration fee will be 10 piasters (44 cents); for sums upwards of 5,000 piasters (\$220) and up to 10,000 piasters (\$440) the fee will be 20 piasters (88 cents), and for sums upwards of 20,000 piasters (\$880) 50 piasters (\$2.20).

ERHARD BISSINGER,

Consul.

UNITED STATES CONSULATE,

Beirut, November 8, 1889.

BRITISH ASIA.

BOMBAY.

REPORT BY CONSUL FARNHAM.

RECORDED INDEBTEDNESS.

There is a register act which requires registration of any mortgage or charge upon real property to an amount exceeding 100 rupees (1 rupee = 32.3 cents). A lien accompanied by possession may nevertheless be valid. Judgments are not registered in the registry office, but merely recorded in the court in which they are passed. Mortgages or charges of chattels are not at present required to be registered. I understand that a bill of sale act for registration of overcharge is considered desirable by many lawyers and others.

There are no means of ascertaining the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property.

All mortgages must be recorded, if for 100 rupees or more, and secured on real property.

Mortgages increase the cost of transfer on land titles, but create no other practical difficulty.

There is no statistical department, so it is impossible to say whether recorded indebtedness is increasing or diminishing in proportion to estimated values.

LIENS.

Liens or charges are created by agreements, not by confessions of judgment. A decree-holder or judgment creditor would not be able to avoid the security by executing his decree.

INTEREST.

The prevailing rate of interest, 9 per cent. on mortgage of houses, is frequently paid in the presidency city, but higher rates are often paid outside. This rate is, however, falling, and 6 to 7 per cent. only is paid on mortgage of buildings. Judgments carry interest at 6 per cent.

FORECLOSURES.

Mortgages are foreclosed both by action at law or by sale under power. Commonly, by sale, a foreclosure or sale by suit costs 500 to 1,000 rupees.

PARTIAL PAYMENTS.

No special provisions are made for partial payments, except by agreement. Payments on account are not required to be registered, but payments on account of a judgment debt must be notified to the court or they may be ignored. A partial default does not cause a total loss of security.

CANCELLATIONS.

The ordinary form of cancellation is by reconveyance or release of the original security, registered by entry of satisfaction of payment of decree.

B. F. FARNHAM,

Consul.

UNITED STATES CONSULATE,

Bombay, June 13, 1889.

CEYLON.

REPORT BY VICE-CONSUL PATERSON, OF COLOMBO.

The systems of recorded indebtedness, such as mortgages on real and chattel property, liens, and judgments, which prevail in this consular district are mortgages, hypothecs, and judgments.

Liens are placed on personal property, including crops, either by preference or confession of judgment, and such property is subject to execution of judgment. There are no exemptions.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is 20 to 30 per cent.

It is required that all mortgages be recorded.

The prevailing rate of interest on mortgage paper, as well as judgments, is 9 per cent.

Nos. 110 and 111—23.

Mortgages do not complicate or embarrass the transfer of land titles.

Mortgages are foreclosed by action at law.

Recorded indebtedness is increasing.

Partial payments need not necessarily be recorded, and the debtor does not lose all benefit if he defaults in part.

The ordinary form for canceling is by writing across the instrument "canceled."

It is not possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

W. B. PATERSON,
Vice-Consul.

UNITED STATES CONSULATE,
Ceylon, August 20, 1889.

STRAITS SETTLEMENTS.

REPORT BY VICE-CONSUL LYALL, OF SINGAPORE.

RECORDED INDEBTEDNESS.

In order to make a binding mortgage of freehold or leasehold interests in land, the mortgage deed must be registered under the registration of deeds ordinance of 1886. Deeds registered under this ordinance take priority according to date of registration, and, therefore, a registered mortgage would take priority over an unregistered one.

To make a valid mortgage of chattels a bill of sale is required to be in the form set forth in the schedule to the bills of sale ordinance, 1886, and has to be registered. Mortgages and bills of sale comprise substantially all the recorded charges on property in my consular district.

Owing to the shortness of the forms of reconveyance, I think that mortgages complicate or embarrass transfer of land to a small extent only.

There is probably a gradual increase in recorded indebtedness, as the settlements are opening up and becoming enlarged.

LIENS.

Personal property and crops may be mortgaged by bills of sale duly registered, and may be seized and sold subject to the provisions of the ordinance. There is no system of charging them by confession of judgment. All property, whether real or personal, may be seized under a judgment, and there are no exemptions.

It is impossible to give even an estimate of the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property without a very long and complicated inquiry, and then such an estimate would not be reliable.

INTEREST.

The rate of interest for safe mortgages is from $7\frac{1}{2}$ to 9 per cent., according to the state of the money market. The normal rate of judgments is 8 per cent.

FORECLOSURES.

The most general mode of enforcing payment of a mortgage is by sale under the powers of sale conferred by the mortgage, and in case the property does not realize the debt the creditor sues the debtor for the balance. Foreclosure, which is a course open to a mortgagee, is seldom resorted to. The auctioneers are paid a commission of 1 to 3 per cent. on the purchase money, according to amount of the latter.

PARTIAL PAYMENTS.

There is no general rule concerning partial payments. It depends on the arrangements of the lender and borrower.

CANCELLATIONS.

The form of canceling a mortgage of land is by reconveyance registered in the deeds registry.

J. LYALL,
Vice-Consul.

UNITED STATES CONSULATE,
Singapore, August 15, 1889.

CHINA.

REPORT BY CONSUL-GENERAL KENNEDY, OF SHANGHAI.

The conditions of the financial systems of China are so different from those of the United States or Europe that I have not found it practicable to follow the questions propounded in the Department circular. China's financial and judicial institutions are several centuries behind the present civilization of the West. At the treaty ports, where the trade with foreign merchants has attracted a great amount of capital, many usages peculiar to the requirements of the manner in which business is conducted are now established. Not unfrequently the Chinese employ European or American capital, and in such transactions it is generally stipulated that the law of the owner of the capital shall govern the transaction. In this class of loans the security is generally real property, situated within the limits of the port set apart for the use of foreign residents. The following illustration may best explain the custom:

A. B., a citizen of the United States, lends C. D., a subject of China, \$50,000 for one or more years, at a fixed rate of interest. C. D. executes a mortgage, drawn up from an appropriate American or English form in favor of A. B., and at the same time transfers certain real estate to A. B., which has previously been agreed on and which has been clearly set forth in the mortgage deed. This transfer is effected at the consulate, where the land in question has been previously registered, or, if it is not covered by a consular deed, the Chinese title-deeds and a bill of sale in Chinese are given to

A. B., and he obtains a consular deed in his own name. The mortgage is recorded in the United States consulate, and when it expires and the principal and interest are duly paid to A. B. the mortgage is canceled and the title-deed retransferred. In case of default on the part of C. D., A. B. applies to his consul for a hearing of his case at the mixed court composed of a Chinese magistrate and an officer from the United States consulate-general sitting as assessor.

The prevailing rates of interest on mortgages of this nature are from 7 to 10 per cent. The rate has been gradually decreasing during the past few years.

The foregoing illustration applies solely to the treaty ports of China, and principally to Shanghai.

Considerable foreign capital is employed in this manner. Between Chinese no such transactions occur. In the first place, a strong characteristic of suspicion in the Chinese nature renders all simple money transactions between themselves next to impossible. All important mercantile concerns are controlled and managed by families. The Wong family, either in direct or collateral branches, may successfully run a line of junks between Foo-chow and Shanghai, but this family of Wong would never think of mingling their capital with the Chang family. Neither would trust the other.

The native merchants at Shanghai depend largely on borrowed capital in conducting their business. This rule applies to all manner of dealers, from the smallest tradesman to the great merchants. Their credit depends upon the personal security they command. A Chinaman with a few thousand dollars cash contemplates going into some business enterprise. On the strength of his cash, and of the guaranty of two or more men of well-known responsibility who vouch for him, sometimes for a consideration in the shape of money and sometimes for friendship, the banks will open him a credit far beyond the negotiable security given.

Many Chinese merchants tender five or ten day bank orders, that is, checks payable five or ten days after date, when dealing with the foreign merchants. Securing 100 bales of sheetings to-day on payment of a ten-day order, a native merchant will clear the goods, sell them on the Tien-Tsin market, and deposit the proceeds before the order is due. If a delay ensues with his shipment, the bank will readily advance the money upon his representations in the matter.

The rates of interest are fixed daily, in conformity with the supply and demand. The average rate per day on sums under \$20,000 is 33 cents per \$1,000, and 20 cents per day for sums over \$20,000. Interest runs at this rate for twenty-nine days; on the thirtieth day interest begins on the unpaid interest, *i. e.*, compound interest is charged on monthly balances.

The dependence placed on the sureties is similar to the mortgaging system, where, in addition to the real or personal property held to secure the payment of the amount lent, two or more sureties sign the mortgage and become personally responsible for the contract.

In their manner of mortgaging real property the *lien* is the only form of mortgage calling for special description. I quote from my No. 269, of March 29th last: "A form of transfer which, in former times, was much in vogue, and which is still practiced, is a kind of mortgage known as *lien*. The effect of it is that the land changes hands in consideration of a sum of money paid down, but the original owner is entitled at any time, on repayment of the money, to get back his land. No interest is payable on the one hand, and no account of rents and profits is required on the other. The use of the land is simply exchanged for the use of money, but, contrary to the usual terms of a mortgage, it is the land that is lent and not the money, which latter can not be demanded back."

In conclusion: In transactions between the Chinese there is no system of recording indebtedness; liens are placed on personal property, and there is a variety of means for collecting debts. The other questions asked in the Department's instructions I am unable to answer.

Custom in China is more powerful than law, and the customs vary according to the locality. Not only are certain customs peculiar to certain localities, but many cities are the centers of a class of professional or business men. Nearly if not all the native bankers in Shanghai come from Shooshing and Ningpo.

J. D. KENNEDY,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Shanghai, July 5, 1889.

CANTON.

REPORT BY CONSUL SEYMOUR.

COMMERCIAL GUILDS.

Canton, being the wealthiest city in the Chinese Empire, its capitalists and financiers having large investments and interests in commercial enterprises throughout southern and central China and at all of the sea-ports of eastern Asia, has a well-established credit system, which, while abundantly facilitating business operations and legitimate commerce, admits of little or no disturbance or panic, and causes no perceptible friction or anxiety, and seems to be attended by small risks, few losses, and no serious surprises or disappointments. In order to rightly comprehend the entire subject of business agreements and differences between Chinese engaged in any of the branches or departments of commerce and industry in China it is necessary to understand that guilds take the place of courts for the enforcement of agreements and the adjustment of differences, and that every member of a guild is bound to conform to the regulations of his guild and comply with its requirements, mandates, and decisions expressed through chosen managers and directors of its members. Practically all differences between members

of the same guild, or between those of different guilds, are subject to arbitration. Every member of a guild is not only subject to its rulings, but is entitled to its aid and protection if in difficulty with any one, and, upon presentation of his case to the officers elected to manage the guild, the aggrieved member abides by their counsel and advice as to an adjustment. The individual becomes a formidable body if his cause is just, and he bows to the will of the managers of his guild if in error. As between natives of China all business contracts and obligations are sacredly observed, and the laws have little or nothing to do with their regulation or enforcement, while the guild is at once the source of safety for its members and the power whose mandates they can not evade, disregard, or ignore. Criminal cases occupy the attention of the courts.

Commercial cases are settled in the guilds, where equity prevails. Such is the binding force of the guild that no one of its members can resist the pressure of its righteous condemnation.

COMMERCIAL INTEGRITY OF THE CHINESE.

The faithful discharge by payment of indebtedness is the strongest of obligations in China. Fraudulent transactions or misrepresentations in business affairs are seldom heard of, and insolvency among business men is of rare occurrence. Unavoidable disasters in business are kindly considered. The death of a creditor does not absolve his children and near relatives or members of his family or clan from obligations to reduce or extinguish his indebtedness, if any property of his family or clan exists. Among merchants and business men and companies the strict observance of the established custom of making full and complete settlements before the end of each year, and the approximate settlements that are made about the middle of each year (about February 1 and August 1), leaves little opportunity for merchants and business men to go very deeply into inextricable difficulties, which might render it impossible to meet all indebtedness. No Chinese merchant or business man or association of business men would be permitted to open their doors after the New Year holidays if in arrears.

FOREIGN CREDITORS AND NATIVE DEBTORS.

All of this sacred observance of business obligations is between Chinamen, and does not apply to debts due from a Chinaman to a foreigner, whose only recourse is through the consulate of his nationality. If his claim is pushed against the native debtor, it is almost certain obstacles will be encountered which will make the claim valueless; and if there had been any property in possession of the native debtor or his family and clan, the exhaustive treatment of the case by the officials and underlings of the courts whose co-operation would be invoked for the recovery of the debt would afford little relief to either debtor or creditor. Hence every European, American, or foreign merchant, banker, commercial company, or banking institution doing business in the coast ports of China and eastern Asia find it advantageous or

necessary to employ a Canton compradore of known fitness and influence, who gives ample sureties. For a small commission the native compradore stands between the foreign merchant and any losses through transactions with approved Chinese. The compradore, through his guild connections, incurs little or no risk, while his foreign employer would, without the intervention and protection or security of his native guardian and adviser as to credits, soon be involved in ruinous complications. There is no place in the world where credits are more general and better honored than in Canton and southern China, but I am unable to point out any legal remedy for foreign creditors against native debtors, except through the agency of the Chinese compradore, whose services have been found indispensable by all foreign merchants and commercial companies doing business in China.

CHARLES SEYMOUR,

Consul.

UNITED STATES CONSULATE,

Canton, June 17, 1889.

NINGPO.

REPORT BY CONSUL PETTUS.

The Chinese rarely go to law about money matters, as all loans, purchases, etc., are made by middle-men, friends of the parties, so if disputes arise in settlements these middle-men are appealed to; they generally settle the matter in dispute. Law is very expensive in China, hence, in financial matters, is rarely appealed to.

There are no systems of recording mortgages, etc., in the courts or elsewhere.

Liens are placed on crops.

The prevailing interest on mortgage paper, as well as judgments, is 20 to 30 per cent.

Mortgages complicate and embarrass the transfer of titles, especially if the mortgagee holds the title-deeds.

Mortgages are foreclosed by action at law and by sale under power, and at no fixed expense.

Partial payments are sometimes made, but are not recorded.

The ordinary form for canceling is by return of papers (the deed usually).

There is no such thing as recorded indebtedness, except in special localities during famine, when the Government advances money on stock and farm implements to aid the suffering.

THOS. F. PETTUS,

Consul.

UNITED STATES CONSULATE,

Ningpo, July 6, 1889.

PROVINCE OF FO-KIEN.

REPORT BY CONSUL CAMPBELL, OF FOO-CHOW.

RECORDED INDEBTEDNESS.

There is no such institution as a record for mortgages, hence neither mortgages nor judgment liens are recorded. It is a common practice to secure the payment of money by giving mortgages upon both real and personal property, but they are never recorded. Sometimes the mortgagee takes his mortgage to an official and has it stamped or sealed, an official act understood to insure the validity of the paper. This is not done with the purpose of having it recorded.

Confession of judgment is an unknown proceeding. There seems to be no provision for mechanics' liens. Pawnbrokers are numerous, and the business transacted by them is extensive.

Mortgages complicate and embarrass the transfer of land titles to some extent. It is usual for the mortgage to contain a clause prohibiting a transfer of the property without the consent of the mortgagee. In any case before a sale is finally consummated it is the practice to get the consent of the mortgagee before the deed is delivered. When the mortgage is executed the mortgageor passes over with the mortgage the deeds and title papers to the property, and these are held by the mortgagee until the mortgage is satisfied. The owner of the property mortgaged can not easily sell without his title papers, and when they are in the hands of another it is understood that the property is encumbered or pledged to secure indebtedness. There being no recorded indebtedness, it is impossible to say whether indebtedness secured by mortgage is increasing or diminishing, but the belief is that it is increasing.

LIENS.

Liens are placed upon personal property of all kinds. A written mortgage is usually given, but the common practice is to have a change of the possession of the chattel from the mortgageor to the mortgagee, who holds it in his possession until the debt is paid. There being no records for mortgages, this change of possession is about the only notice that the chattel is pledged for debt. In the rural districts growing crops are mortgaged. The law authorizes it, and in many cases the farmers are very poor and are obliged to pledge their crops to secure past indebtedness, thereby keeping their creditors at bay until the end of the season.

There are no exemptions of property whatever from debts. The creditor can sell the house over the heads of the debtor's family; he can take every article of household or kitchen furniture; he can take all of the wearing apparel of the debtor and of his family, and, if the debt is not then satisfied, he can send the debtor to jail until the balance is paid. It is a legal possibility to sell the wife of the debtor for debt, and cases are not rare where men, overwhelmed with debt, have sold their wives to get money to satisfy their

creditors. The brothers and father of the debtor are also liable for his debts, and their property can be taken to satisfy them. The law for the collection of debts is merciless and unrelenting.

INTEREST.

The legal rate of interest allowed is 30 per cent. per annum. The ordinary average rate obtained is about 20 per cent. per annum. Money is generally loaned by the month, and $2\frac{1}{4}$ per cent. per month is the maximum rate allowed by law. To charge more than this is looked upon as highly dishonorable, and the penalty for usury is severe, extending even to confiscation of property and banishment from the realm, though the penalty is rarely enforced.

FORECLOSURES.

Mortgages are not foreclosed by the ordinary actions at law, as practiced in the United States of America. The mortgagee has the right, when condition is broken, to enter upon and take actual possession of the property mortgaged. In case the debtor refuses to surrender peaceably, the creditor can go to the magistrate, who summons the debtor, and, after hearing the case, can order an official to put the mortgagee into possession of the property. The same proceeding can be had for other debts. If the debtor, in an unsecured debt, can not get property himself to satisfy his claim, his remedy is the same as that of a mortgagee. No one will ask the intervention of an official until all other expedients have failed, because of the exorbitant charges, known here by the term "squeezing." To avoid this the mortgagee generally buys out the equity of redemption of the mortgageor, thus getting his property without the aid of the officials. Persistent dunning is the practice for collecting debts, and it is not uncommon for a creditor to go to the house of his debtor and abide with him and make such a nuisance of himself as to oblige the debtor to pay in order to get rid of his unwelcome creditor, and the fear of torture in one of the jails will prevent a resort to force and violence to oust him. Once there is a case for squeezing the debtor soon finds the best way out of his difficulties is to surrender up property and satisfy the debt. This is a novel, but an effective, way of collecting a debt.

PARTIAL PAYMENTS.

There is no provision in reference to partial payments. This matter would be settled by agreement of parties, but if the magistrate were called upon to make distress of property to satisfy the debt he most likely would take into account partial payments made.

CANCELLATIONS.

The form for canceling is by cutting out the seals affixed to the signatures, though the instrument, after payment, is sometimes returned to the mortgageor as evidence of payment.

This is a great commercial city, the trade exceeding \$20,000,000 per annum. The credit system prevails as in other countries, but the procedure for collecting debts and the manner of doing business are widely different from American and European countries. There seems to be no well-defined rules governing trade. It is quite the practice to make agreements beforehand, and these agreements are as varied as human expedients and necessities can well make them. There is a board of trade, but it is a quasi Government institution, ruled by the mandarins, and its functions are largely to provide revenue for the Government. It has jurisdiction to hear and settle disputes arising in the course of commerce; in fact, it is an institution that adapts itself to the varied emergencies of business life. The business men are active, energetic, and remarkably clever. Many of them are possessed of great wealth. The tea season is the busy part of the year, and then activity is seen upon every hand. Quite a number of foreign merchants are here, and, besides the native banks, there are three managed by foreigners. The movement of tea requires heavy advances of silver, which is the prevailing circulating medium. The Mexican dollar is the medium used here.

JNO. TYLER CAMPBELL,

Consul.

UNITED STATES CONSULATE,

Foo-chow, June 26, 1889.

HONG-KONG.

REPORT BY VICE-CONSUL WITHERS.

RECORDED INDEBTEDNESS.

All mortgages, equitable mortgages, and judgments, are recorded by registration in the land office under ordinance 3 of 1844. The system is the Roman-Dutch system. There are no confessed judgments in the colony, every judgment must be decreed. A judgment when registered in the land office operates as an equitable mortgage.

RATIO OF MORTGAGES TO TOTAL VALUATION.

The ratio, in normal years, which mortgages and judgments bear to the total valuation of assessed property is as 0.50 to 100. In years of depression (such as 1885) this increases as 0.62 is to 100, and in years of rebound (such as 1887) decreases as 0.48 is to 100. To secure priority it is necessary that all mortgages be recorded. The non-recording of mortgages is also a breach of covenant in the Crown leases under which ground is held in the colony.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages do not, as a general rule, complicate or embarrass the transfer of land titles; occasionally, however, a secret trust is discovered whereby the mortgagee has declared the money invested belongs to a firm and the partners of which are found difficult to identify. The mortgageor in these cases

has to bear the expense of a difficult investigation on payment off of the mortgage money.

INCREASE OR DECREASE OF MORTGAGES.

In normal years recorded indebtedness varies little; in years of depression it increases 24 per cent. above normal, and in years of prosperity it decreases 4 per cent. below normal. There is, on the average, a continuing decrease of indebtedness in this colony on estimated values.

UNRECORDED INDEBTEDNESS.

Unrecorded indebtedness exists chiefly in the shape of: (1) Advances by bankers on the usual banking securities, viz, bills of lading, bills of exchange, freight, and other similar securities; (2) advances by merchants and warehouse keepers on goods stored in their warehouses; and (3) advances by pawnbrokers. The unrecorded indebtedness exceeds the recorded indebtedness by five times, approximately, but the only means of arriving at this more exactly is by ascertaining the whole recorded indebtedness and compare it with the available lending capital of the bankers, merchants, warehouse keepers, and pawnbrokers. For this purpose not only legislation, but thoroughly organized statistical departments are necessary.

LIENS.

Liens are placed on personal property of every description by bills of sale registered in the supreme court (now registered under ordinance No. 12 of 1886). Priority arises from order of date in registration. There is no confession of judgment in the colony, but execution follows judgment unless stayed by special order of court for reasons given. There are no other methods of exemption.

INTEREST.

The prevailing rate of interest is 7 per cent. on mortgages. There is no rate allowed on judgments, unless on judgments obtained under legal contract, the court rate in such cases being 8 per cent.

FORECLOSURES.

Mortgages are foreclosed only by legal proceedings, the expense of which ranges from \$800 to \$2,000. The property mortgaged by a legal mortgage (as distinguished from an equitable charge) can be sold under the power of sale the legal mortgage contains without application to the court, the average expenses of the sale being about \$300 plus $1\frac{1}{4}$ per cent. for brokerage and advertising expenses.

PARTIAL PAYMENTS.

Partial payments need not be recorded, but a record in the land office is often made voluntarily, so that secondary evidence may be easily attainable. The debtor certainly does not lose all benefit if he defaults in part, as the mortgagee or creditor is by law liable to account to the mortgagee or debtor for all he has received in part satisfaction of his debt.

CANCELLATIONS.

The form of canceling equitable charges and bills of sale is by certificates of satisfaction signed by mortgagees and mortgageors and of legal mortgages by deeds of re-assignment executed by the mortgagees.

R. E. WITHERS,
Vice-Consul.

UNITED STATES CONSULATE,
Hong-Kong, August 18, 1889.

JAPAN.

REPORT BY CONSUL JERNIGAN, OF OSAKA.

RECORDED INDEBTEDNESS.

Mortgages on chattels, liens, and judgments are not known. Mortgages on real estate must be recorded to be valid. A synopsis of certain sections of the registry law may be of interest in this connection. Any person who wishes to record, transfer, or sell, or mortgage land, buildings, or ships shall make application to the recording office of the district in which the land or building is situated, and the ship to the office where she belongs. Such recording, transfer, sale, or mortgage shall be subject to the supervision of the president of the *shishui saibausho* (court of first instance). The business connected with the recording shall be transacted before *chi-an saibausho* (justice of the peace). If the place is inconveniently distant from the *chi-an saibausho*, the business shall be transacted before a *gun* or *ku-yakusho* (magistrate) or at the place where the minister of justice may direct. The place and limit of the recording offices shall be fixed by the minister of justice, but all recording officials shall be under the supervision and control of the president of the *shishui saibausho* so far as the recording business is concerned. The particulars required in recording mortgages, etc., on land, buildings, and ships shall be as follows:

(1) The land should be described so as to show the number, the name of the town, or village, or district wherein situated, the measurement or number of tsubo, and the value as stated in the title-deed.

(2) The building should be described so as to show the number, name of town or village wherein situated, nature of construction, number of tsubo of land covered, and whether finished or unfinished.

(3) The ship should be described so as to show the form of construction, whether native or foreign, steamer or sailing ship, the name, number of registered tonnage, horse-power, description of the boiler and engine, the number of small boats attached, and other material belonging to the same, etc. The description is required to be very accurate, in order that there may not be any difficulty in the identification.

(4) This article has special reference to ships and steamers of Japanese construction, but the requirements are the same as in article 3.

- (5) The cause of the mortgage, etc., and recording.
- (6) The amount of money.
- (7) When mortgaged, the term of payments and rate of interest.
- (8) The name and address of the owner, and the name and address of the person who applies for the recording, etc.
- (9) When only a part of the same tract of body of land is mortgaged, the part mortgaged must be accurately described. If there is more than one building on the same lot, or one room or rooms, that can be separated from the main building, either may be separately mortgaged, but must be described most accurately and distinctly.
- (10) The date of recording.

When the foregoing particulars are complied with, the mortgage, etc., is in legal form, and may then be recorded in the book kept for the purpose, the recording official first reading the mortgage, etc., to the parties interested, and the maker then signing under his hand and seal; the recording official shall also sign his name and affix his seal on the mortgage. It should be observed that steamers and sailing ships can be mortgaged, though personal property can not; but personal property can be pawned, a system of raising money which is very popular.

No statistics are available to permit of a satisfactory reply to question relative to the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property.

Mortgages do not complicate or embarrass the transfer of land titles any more in Japan than in other countries.

INCREASE OR DECREASE OF MORTGAGES.

The means of answering the question as to whether indebtedness is increasing or diminishing are not available, but the best opinion is that, since the opening of this port, the middle class of shop-keepers, dealers, and traders who have removed to the port are gradually becoming better off, while the laboring class are finding the struggle for a livelihood increasing in difficulty. The land-owners have been benefited by the advance in the value of property, which has been considerable. As an illustration, when I arrived here in April, 1886, I could have purchased the building and lot then and now used for the United States consulate at 6,000 yen; the owner informed me a few days ago that he had a standing offer of 10,000 yen. Three years ago a vacant lot was purchased by a firm here for 400 yen; one of the members informed me yesterday that he had been offered 7,000 yen for the same lot, and it may be added that three years ago the foreign trade of this port was only about 18,000,000 yen; this year it will aggregate 50,000,000 yen, and it represented last year more than a third of the entire foreign trade of Japan.

LIENS.

The method of obtaining preferential securities, as indicated in this question, is not recognized. Even the judgments of the highest courts are

not liens on real property, and, unless immediately enforced, the judgment debtor can convey such property; and the judgment creditor will have to bring a new action and prove collusion and fraud before he can have the property so conveyed subject to sale under his judgment.

INTEREST.

Interest is very high as compared with the United States—10, 12, and 15 per cent., and even higher rates being frequently paid on mortgages of real property, and the rate is in all cases a matter of agreement between the parties to the particular transaction. Judgments of the courts carry interest at 6 per cent., but only when so stated in the judgment. The lower classes are extensive borrowers for small amounts, two or three sureties usually signing an elaborate kind of promissory note in conjunction with the actual borrower. On these transactions the interest is always exorbitant, 50 or 60 per cent. being more the rule than the exception. In such cases the amounts are usually very small—a few dollars, but even for comparatively large sums the interest is excessive from a western stand-point.

FORECLOSURES.

The mortgagee can not exercise a power of sale or foreclosure. He applies to the court and the court sells by auction. At such sale the mortgagee can buy. The cost of the proceeding is at present nominal, a few cents, as the work is done by officials; but rules are being prepared under which there will be a fixed scale of fees. It is not likely, judging from the fees paid in other branches, that the expense will be heavy.

PARTIAL PAYMENTS.

Mortgages on real property can be made payable by installments, and are subject to agreement. Partial payments are not required to be recorded, and the debtor does not lose the benefit of a partial payment if he holds a receipt stating that the amount paid is in part payment of the mortgage against him, showing the date of payment, and with sufficient reference to the mortgage to identify or properly connect it with the payment.

CANCELLATIONS.

Mortgages are canceled by producing at the registration office a receipt for the principal and interest stamped (seal) by the mortgagee. Stamps (seals), not signatures, are recognized in Japan. The record is then cleared of the mortgage.

T. R. JERNIGAN,
Consul.

UNITED STATES CONSULATE,
Osaka and Hiogo, September 11, 1889.

PHILIPPINE ISLANDS.

REPORT BY CONSUL WEBB, OF MANILA.

EXPLANATORY INTRODUCTION.

The credit laws of the Philippines are loosely constructed and exceedingly elastic in their operation, so that they may be applied to suit the circumstances existing in one portion of the archipelago without doing violence to the prevailing interests in another. Custom and usage, rather than the strict letter of the law, are followed, and where there is a flagrant breach of the statutes committed and discovered it can be condoned. The Philippines have frequently been denominated "a vast military camp," where civil laws are operative or inoperative according to the requirements and conditions of the case to which it is sought to apply them. This is, to a great extent, true, and it follows, therefore, that I can not reply to the interrogatories of the committee as concisely and satisfactorily as I could if a clearly defined credit system were closely followed.

RECORDED INDEBTEDNESS.

Mortgages, liens, and judgments are required to be recorded in the *ayuntamiento*, or general offices of the civil government, and a recently enacted law provides for a regular registry department. Here all mercantile firms and business corporations of every character are required to register also their articles or agreements of copartnership or incorporation. The system of registry of mortgage bonds and evidences of indebtedness is very similar to that followed in the United States.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is from one-half to two-thirds of the total valuation. All mortgages must be recorded.

Mortgages do not complicate or embarrass the transfer of land titles any more than they do in the United States. The degree of embarrassment is governed by the character of the parties to the transaction.

Recorded indebtedness increases with the increase of the bulk of property, as nearly all buildings are mortgaged as soon as finished.

UNRECORDED INDEBTEDNESS.

There is no way of ascertaining the proportion of existing recorded and unrecorded indebtedness without the expenditure of a vast amount of time and labor. Some of the property has been mortgaged fifty years, and the system of keeping the records is such that it would be an almost endless task to attempt to make even a moderately accurate list. Mortgages are given ostensibly for two or three years, but the custom is to allow them to run for an unlimited time without renewal so long as the interest is paid. Foreclosure proceedings are extremely rare, and cancellations almost as much so. No estimate of the unrecorded indebtedness is possible.

LIENS.

Liens are placed on personal property, including crops, either by preference or confession of judgment, and the property is subject to execution. There are no exemptions. The mechanics' lien is unknown, as building material is usually paid for in advance and the workman draws his money as the work progresses. A house is therefore fully paid for when completed, but, should there be a balance due for work or material and payment refused, it may be sued just as any other claim is, and does not take precedence over any other.

INTEREST.

Six per cent. is the prevailing rate of interest, but there are numerous transactions in which the rate of interest is as high as 12 and 14 per cent. There is no usury law, and any rate of interest that the borrower will pay is taken as legal.

FORECLOSURES.

Mortgages are foreclosed by regular action at law, and the sale is ordered by the court, but the proceeding is usually very troublesome and expensive. There is no regular schedule affixed; legal fees and the charges are regulated by the nature of the case and the ability of the plaintiff to pay. Litigation here is characterized by exasperating delays and postponements and is excessively expensive; it is therefore impossible to give any thing like an accurate estimate of the costs.

PARTIAL PAYMENTS.

All the conditions of a mortgage bond must appear in the body of the instrument, and these are such as may be agreed upon by the parties interested. There is no prescribed system of provisions, and the debtor may or may not lose the benefit of partial payments if he defaults in part, as he and the lender may agree.

CANCELLATIONS.

There is no legal form of cancellation prescribed; the holder signifies his desire to cancel, and it is done upon payment of the usual fee.

ALEX. R. WEBB,

UNITED STATES CONSULATE,

Consul.

Manila, June 27, 1889.

SIAM.

REPORT BY CONSUL-GENERAL CHILD, OF BANGKOK.

RECORDED INDEBTEDNESS.

The systems of recorded indebtedness which prevail in Siam are mortgages on real estate and pawns on personal property. All mortgages must be recorded, for the reason that all mortgages of real estate and pawns of personal property are required to be made out before the *umpur* (a local justice of the peace), who records the same in his office.

Mortgages do not complicate the transfer of land titles.

Recorded indebtedness is increasing.

Liens are, by confession of judgment, subject to execution; no exemptions.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is, I should say, about one-fourth.

The prevailing rate of interest on mortgage paper, as well as judgments, is 15 per cent., but the interest is only allowed to run until it equals the principal, and after that interest ceases.

FORECLOSURES.

If the mortgage is not paid at maturity, the mortgagee is entitled to take possession without further recourse to law, in accordance with the terms of the mortgage.

PARTIAL PAYMENTS.

No provisions are made for partial payments on mortgages, obligations, or judgments. The debtor loses all benefit if he defaults in part.

CANCELLATIONS.

The ordinary form for canceling is by surrender of title-deed and return of pawn papers.

JACOB T. CHILD,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Bangkok, July 17, 1889.

Nos. 110 and 111—24.

AUSTRALASIA.

NEW ZEALAND.

REPORT BY CONSUL CONNOLLY, OF AUCKLAND.

RECORDED INDEBTEDNESS.

Land, comprising freehold and leasehold, is pledged by a mortgage under the ordinary English mortgage form and by an instrument under another system which is called the land transfer act, analagous to Torrens' act—now historical. Chattels, dealing purely with personalty free from the land and what is known as growing crops, wool, and branded stock, also liens on whaling ventures, are dealt with by what is termed bill of sale, which requires to be registered or filed in the supreme court, and the execution of which, as also of the instruments pledging the other chattels already mentioned, is hedged round with several formalities almost assimilated to the law of England. The protection granted to mortgagees under the bailment or pledging of wool, sheep, growing crops, branded cattle, etc., is greater than that given to them under an ordinary bill of sale.

A judgment creditor is only so far favored that he can levy on any property of the debtor or cause him to be adjudicated bankrupt. Should he levy and sell, the sheriff must hold the proceeds if amounting to \$250 or upwards for a certain number of days, so that, should the debtor become bankrupt in the meantime, all his estate other than what is duly protected under bill of sale, etc., shall be distributed amongst his creditors pro rata. An informality in the granting or execution of any chattel security makes it voidable by a trustee in bankruptcy or an execution creditor, though not as between the parties. The judgment creditor may, when judgment has been recovered in or moved to the supreme court, obtain a charging order absolute against land, which, if registered, is notice to any one dealing therewith, and he takes subject thereto. The charging order binds for only six months from the date of issue, and is only intended as a temporary protection to the judgment creditor, to enable him to seize and sell the land under the ordinary process of the courts. The mere recovery of judgment does not create a lien in the case of either real or personal property.

It is not compulsory for any man to record his mortgage. Should he not do so, a subsequent mortgagee or encumbrancer, by registering a mortgage without notice of a prior one, would take precedence to the prejudice and loss of the mortgagee under such prior mortgage. In New Zealand there are two different systems of recording dealings with land, one under the deeds

registration act, and one under the land transfer act. Under the latter no mortgage—indeed, no instrument whatever—is effectual until registered or recorded; not so, however, under the former, as nothing but fraud vitiates a mortgage as between the parties.

RATIO OF MORTGAGES TO TOTAL VALUATION.

Money-lenders will not advance to exceed two-thirds the value of the property. However, I will endeavor to answer this question in another way. I will do so by giving the total value of all lands and other property within the colony, both public and private, available for taxable purposes, together with the public and private indebtedness, secured and unsecured, extending over a period of three years, viz, from 1885 to 1888, inclusive. I hope in this manner to be able to give a comprehensive answer.

On October 31, 1885, the total value of real estate in the colony, including Crown lands, was returned as of the value of \$552,943,045, while a similar return, made in 1888, shows the value of real estate to be \$556,338,520, or an increase in the three years of \$3,395,475. The total value of the personal property of the public was, on October 31, 1885, \$412,701,575. To these amounts may be added the value of the reproductive works of the Government, which represents a portion of the wealth of the colony in which the people have a direct interest, such as railways, telegraph lines, buildings, and water supply. The total value of such works on October 31, 1885, was \$77,833,045, thus giving the total taxable value of the colony on the above date at \$1,046,873,140. This amount represents all property of whatsoever kind available, either for sale or for taxable purposes. The indebtedness of the colony is distributed as follows: Public debt, December 31, 1888, \$184,898,305; counties, road boards, and boroughs, \$14,029,515; harbor boards, \$1,525,590; recorded indebtedness secured by mortgage held by residents of the colony, \$130,908,050; unsecured debts held within the colony, \$44,110,765; secured indebtedness held by non-residents, \$84,162,535; unsecured foreign debt, \$35,000,000. It will be seen from the foregoing that the total recorded and secured debt of the colony is \$215,070,585, representing a taxable valuation of \$1,046,873,140. This, of course, is exclusive of the public debt and other unrecorded evidence of indebtedness. From the above statement it will be observed the total indebtedness of New Zealand is \$494,634,760. By deducting this amount from the total valuation of the colony, viz, \$1,046,873,140, we are enabled to arrive at the total value of the country over and above all indebtedness, which is \$552,238,380.

It may be proper to state that the value of lands appreciated from 1885 to 1888, inclusive, to the extent of \$3,395,475; but while this is true so far as the realty is concerned, yet other properties have been shrinking to an alarming degree in various parts of the colony.

I sincerely trust the foregoing statement may prove satisfactory, as it has been very difficult to obtain accurate information.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages do not in the slightest complicate or embarrass the transfer of land titles. The facilities of business are such that they do not affect any dealing in land. The law is very simple on the subject. To illustrate: If Smith desires to purchase Brown's property, upon which there is a mortgage duly recorded, Brown sells the property and makes a deed to Smith, subject to the provisions and conditions expressed in the mortgage. Should Smith, however, fail to comply with the covenants contained in the mortgage or contract, he is treated in all respects as the original owner (Brown) would be under similar circumstances, he having assumed all responsibility in the premises.

INCREASE OR DECREASE OF MORTGAGES.

The recorded mortgage indebtedness of New Zealand, under what is known as the land transfer act, which compels all deeds and mortgages to be recorded, was, on March 31, 1889, \$140,558,055. The amount secured by mortgages during the year, viz, from March 31, 1888, to March 31, 1889, was \$17,562,720; amount of mortgages released during the same period was \$13,250,600, thus showing an increase of mortgage indebtedness during the year of \$4,312,120. The total recorded mortgage indebtedness of the colony under the land transfer act system was, on March 31, 1889, \$144,870,175. This, however, does not represent the total mortgage indebtedness by any means, as under the old system, prior to the existence of the land transfer act above referred to, there are no available means of arriving at an accurate statement of the amount of mortgage indebtedness previous to the enactment of this law. Those who are familiar with the land and mortgage transactions estimate that the unrecorded indebtedness is fully equal to the recorded debt. There is a perceptible shrinkage in the values of all kinds of properties, owing to the long period of depression. In many instances values have shrunk fully 50 per cent., yet the recorded indebtedness has not increased to exceed 20 per cent. It is impossible to obtain thoroughly reliable information as to the proportion of recorded indebtedness for the purpose of comparison with total valuation, from the fact that the Government reports on this subject have not as yet been published. The information under this heading is, however, reliable as far as it goes.

UNRECORDED INDEBTEDNESS.

It is possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness. It is arrived at in the following manner: When the assessor annually assesses the property of individuals, firms, or corporations, he first ascertains the total value of the property of whatsoever kind, such as land, cash, or bonds, or other evidence of property; second, he takes a statement from the party assessed as to his recorded indebtedness, such as mortgages, etc.; third, a statement of all unrecorded liabilities, such as private notes or other indebtedness. The assessors of the several districts make a return to an official, known as the registrar, of the total value of all

property in their respective districts, giving the value of each particular kind of property separately, together with the recorded and unrecorded indebtedness as above enumerated. After the returns are all in from the various districts the registrar compiles an annual statement of the total private indebtedness of the colony by districts. Thus the recorded and unrecorded indebtedness of New Zealand is ascertained each year. It may be proper to state, in connection with this subject, however, that taxes are paid only on the residue of property left after deducting all liabilities.

Mortgages are taxable to the mortgagee.

Under the present system nearly all indebtedness on property is recorded.

LIENS.

Liens are placed on personal property, including growing crops, by contract only. Judgments do not bind any property. Liens granted with all due formalities are protected from judgment creditors and from trustees in bankruptcy. The old-fashioned "confession of judgment" does not bind any thing in New Zealand. Of course, a lien, bill of sale, or bailment must be bona fide and come within the provisions of the law to be binding. The equity of redemption of property is subject to execution.

INTEREST.

The prevailing rate of interest on mortgage security is from 6 to 8 per cent. on freehold, and from 8 to 20 per cent. on chattel; paper, using the term as bankers do, 8 per cent. at three months and 9 per cent. at 4 months. Judgments, as also all contracts where no specific agreement has been made, but which bear interest by law, carry interest at 8 per cent.

FORECLOSURES.

Mortgagees are provided by law with a power to sell, and the exercise of such power is the invariable practice. The power of sale implied by law is almost invariably modified in the deed or contract of mortgage, and provision is made by law by which the mortgagee may buy in the property upon default, if he will have the sale conducted by an officer of the court called the registrar. The procedure is most simple. Conditions of sale are prepared and submitted to the registrar, who appoints an auctioneer. The property is advertised and submitted to public competition, at which the mortgagee may bid and become the purchaser. The auction charges are subject to agreement, and can not exceed 5 per cent. and costs actually paid. Any sum beyond that would be considered a fraud. The registrar receives 1 per cent. on the first \$500 and one-fourth of 1 per cent. on the balance of the purchase money. There is no foreclosure in New Zealand as understood in England.

PARTIAL PAYMENTS.

It is not necessary to record partial payments; a simple receipt is all that is required. All partial payments are lost in case of default, unless a spe-

cific contract to the contrary is incorporated in the mortgage. There is no law in New Zealand bearing on this subject; it is entirely a matter of contract between the parties. The validity of such contracts is fully recognized by the courts.

CANCELLATIONS.

The form for canceling is by a simple receipt on the mortgage deed, or a short form of release; in the case of chattel security, excepting leaseholds, an affidavit of satisfaction by the mortgagee.

JOHN D. CONNOLLY,
Consul.

UNITED STATES CONSULATE,
Auckland, August 8, 1889.

NEW SOUTH WALES.

REPORT BY CONSUL GRIFFIN, OF SYDNEY.

SYSTEMS OF LAND TENURES.

Before discussing the system of recorded indebtedness existing in New South Wales, or attempting in any way to answer the interrogatories remitted to me in the circular of the 10th of May, 1889, it may be well to mention that there are two distinct systems under which real property is held in the colony of New South Wales. One may be called the old system, and the other, or new system, is known as the Torrens Act, and has been in operation for about twenty-five years. The old system is similar to that existing in Great Britain, by which the title to real property is traced direct from a grantee from the Crown, and then sold and resold by the ordinary forms of conveyances, there being in some cases quite a number of complicated title-deeds affecting one property. The law throughout the whole of the Australasian colonies is practically the same as that of England, although, of course, there are some important differences. An act was passed in New South Wales in 1829 (statutes, George IV, sec. 83) for the purpose of regulating the administration of justice and the establishment of law courts in the colony. By that act all laws then in force in England, viz, on the 1st of March 1829, were extended to New South Wales. Since then there have been acts passed from time to time diverging more or less from English law. The conditions of a new and thinly populated country of vast area seem to have rendered such divergence indisputably necessary. Among the acts passed were several dealing with the Crown lands; finally these were repealed and consolidated by the Crown lands act, 1884, an act which has frequently been referred to in my reports to the Department of State. It is a great improvement on the old modes of dealing with lands. A new land bill has, however, passed the Legislative Assembly making still further improvements, and there is every reason to believe it will become law before the close of the present session of Parliament.

Until 1861 lands were alienated in fee-simple, and quit-rent in blocks by auction. Areas alienated gave rights of pre-emptive leasehold of three times the area around them under leasehold. No contiguity was enforced. Crown lands other than these were occupied under what are called run holdings at nominal rentals, in three heads: Settled, with square mile leaseholds; intermediate, with 5 square miles; and pastoral, with 10 square miles leaseholds. Run holdings were appraised for pastoral purposes every five years, and renewals granted on improved carrying capacity.

In 1861, within these leaseholds, conditional purchase of areas from 40 to 320 acres, open to all with conditions of twelve months' residence and improvements to be effected to the value of £1 (\$4.86) per acre, the payment of 5 shillings (\$1.22) per acre, and balance unpaid, 15 shillings (\$3.66), bearing annual interest at 5 per cent. indefinitely (these conditional purchases had also similar pre-emptive leasehold rights), became the law, and a warm struggle ensued between the run-holders, or "squatters," and the selectors for choice lands. The faults in the system and the subterfuges of both classes of settlers became apparent and pronounced. The insecurity of leasehold pastoral tenure and the absorption of the most valuable land and its unearned increment by individuals became so glaring that further legislation was called for, and the land act (1884) was enacted.

Under this measure the colony was divided into three divisions—western, central, and eastern. Pastoral holdings of Crown lands were divided, one portion open to other alienation, called the resumed area, and the other let on lease for pastoral purposes only for a term of years. Auction sales were reduced to a small annual minimum and improvement purchases precluded. In the western division pastoral leasehold was granted for fifteen years with appraised rentals, subject to quinquennial increase of 25 per cent. Improvements were not recognized, and no further improvements allowed without consent of local land boards. Lessees were also permitted by occupation license to use resumed areas until otherwise taken up. Conditional purchase was prohibited, and homestead lease to a maximum of 10,240 acres, with six months' residence annually, fencing, payment to licensee for existing improvements on appraisal by local land boards, and rental by appraisal were inaugurated. In the central division pastoral leaseholds were granted for ten years with similar conditions on the resumed areas. Conditional purchase was extended to an area of 2,560 acres and a conditional lease of three times the area to that limit, with fencing conditions, residence, and payment for existing improvements to occupation licensees. Deposits on conditional purchase were reduced to 2 shillings (48 cents) per acre and interest and installments to 1 shilling (24 cents) per acre. In the eastern division pastoral leaseholds were granted for five years. Attached to all pastoral leasehold terms of lease in all three divisions was a contingent right of five years' extension unless, two years before expiring, notice of resumption was given. On the resumed area conditional purchase was extended from 320 to 640 acres, and conditional leases were not to exceed in all 1,280 acres, with conditions similar to those for the central division.

It is asserted that there has been no proper classification of lands. Special area reserves from sale or lease for water, public purposes, traveling stock, commons, etc., are matters of detail. No riparian rights are protected beyond common law.

The administration of the law is under a minister for lands with local land boards. The bill now before Parliament establishes a non-political court of appeal in all cases, abrogates a minimum rental and quinquennial increase of rentals, and extends pastoral and homestead leases in the western division with septennial appraisement, and proposes extension of leases in lieu of compensation for improvements in the western and central divisions. In the eastern division it proposes that pastoral leases are to be treated as resumed areas on expiry. Conditional purchase and lease in the central and eastern divisions are to change aspect so far that a 40-acre conditional purchaser can hold 1,240 acres under conditional lease of fifteen years' tenure at appraised rental and presumptive right at any time or at expiry for 20 shillings (\$4.86) per acre to a total area of 1,280 acres; also in the central division similarly 40-acre conditional purchasers can acquire conditional leases to areas of 2,560 acres, thus enabling a conditional purchase title to 40 acres, with 2 shillings (48 cents) per acre deposit and survey fee, to acquire larger holdings to the maximum of different terms. There seems to be an intention to abolish tenant right in existing improvements.

An important change from the law of England was made in 1863, when it was provided that any owner of land dying intestate, the land shall not descend to the heir at law, but shall pass to the personal representatives like personal property. Again, the act 39 Victoria, No. 38 (1876) provides that the government of the colony may be sued in an action like an individual by one of the ministers being made nominal defendant.

The Australasians are very proud of their advanced legal enactments, and among the more recent laws of England which they have adopted may be mentioned the bankruptcy act, embracing the chief features of the insolvency act of Great Britain, commonly known as the Chamberlain act. These colonies have also a law which places a married woman in exactly the same legal position as regards her property as a man, giving her power of entering into contracts and of buying and selling as if she were a single woman. The chief pride of the Australasians, however, is their real property act, known as the Torrens Act. The author of this law, Sir Robert Richard Torrens, K. C. M. G., was born in Cork in 1814, and was educated at Trinity College, Dublin. He emigrated to Adelaide, South Australia, and at the age of twenty-seven was made collector of customs there with a seat in the legislative council. A few years later he became colonial treasurer. At the first election under the constitution giving the colony representative government he was chosen a member of Parliament, and at once applied his energies to frame an improved system for the transfer of lands. As soon as his plans were perfected he submitted them to Parliament, but that body refused to have any thing to do with them, being influenced, it is said, by the persistent opposi-

tion of the legal profession. The author of the measure did what he could to overcome the opposition. He showed that under the laws then existing it was necessary in every fresh transaction in real property to prepare a new deed which had to recapitulate all the former deeds. Such a system was not only tedious and cumbersome, but was very expensive and furnished an endless source of profitable employment to the legal profession. The author's experience as collector of customs gave him opportunity to become thoroughly conversant with the shipping laws, and it is said that the starting point of his land system was the application of the principles which regulate the transfer of vessels by means of registration to the transfer of land. He consulted Sir Charles Cooper, the chief-justice, but was informed by that gentleman that the proposed system was both unwise and impracticable. Refusing, however, to abandon his object, he pressed it with such force and eloquence in Parliament that in 1858 it became law. The purpose of the act was not only to simplify the transfer of land, but to establish an indefeasible title.

The colony of New South Wales adopted the act in 1862. Since that date all land grants from the Crown have been registered under it as well as a large amount of property held under deed, but such property, when once brought under this act, must forever afterwards remain under its provisions. To proceed under the act it is required to surrender to the officer administering the act—the registrar-general of land and deeds—all deeds or other instruments constituting or affecting the title and to give all required information on the subject. Protection of the rights of interested parties is afforded by means of advertisements and the service of notice. Any person claiming an interest in the land so advertised can lodge a caveat with the registrar. The certificate of title must have indorsed on it all encumbrances, liens, estates, or any other interests or claims affecting the property at the time of issuing the certificate. The former title-deeds are canceled by the registrar-general.

The certificate gives an indefeasible title, unless it is obtained by fraud, and the owner holds it against any conveyance or mortgage upon the same property executed outside of the act. In the event of the certificate being lost, the registrar-general may issue a certified copy, which, to all intents and purposes, is as good as the original. Among the provisions of the act is one which enacts that a married woman can hold property under it as though she were a single woman. The registrar-general, moreover, may, on proof of the marriage of a registered female proprietor of any land, estate, or interest under the act, accompanied by a written application from such proprietor, register the name and description of her husband, the date of the marriage, and where solemnized. The husband of such female proprietor, unless the land be held for her separate use, shall be entitled to be registered as a co-proprietor of such land, in right of his wife, upon application to that effect being made to the registrar-general.

The forms for the transfer of land estate are short and simple, and are prescribed by the act. The new owner may either have a fresh certificate of

title or an indorsement put upon the original. One of the most remarkable features about the act is that even if any wrong has been done the innocent holder of the certificate can not lose by it. This is effected by means of an assurance fund, created by levying a percentage of one-half pence (1 cent) on every £1 (\$4.86) of the value of the land when first brought under the act and upon the value of land transmitted by will or upon the intestacy of a registered proprietor. It has been cited as a signal proof of the excellence of the act and the smoothness of its working that this assurance fund, which has increased to large proportions, has not been drawn upon to any considerable extent. The Torrens system is so simple and inexpensive that any one of ordinary intelligence can do every thing that is necessary in relation to his property after it has once been brought under the act. If he wants to sell, he has only to give his certificate to the purchaser, and the transaction is registered.

The principal objection to the act is that it does not clearly distinguish between fiduciary and beneficial rights. Trusts creating fiduciary ownership are not entered on the register, but provision is made for bringing these trusts under the law by empowering the registrar-general to enter a caveat to prohibit the registration of any instrument which does not comply with the provisions of the trusts. Trust property does not expire with the effluxion of time, but, on the contrary, is made perpetual. Direct settlements and entail are created as follows: By the registered proprietor executing a form of transfer to himself, or any other person, for life, with reversion to others in succession, with or without powers of appointment, and with remainder over as he may prescribe; in such case the existing title of the land is canceled, the register *folium* closed, a fresh *folium* opened, and a fresh certificate issued for a life estate. Upon the death of the tenant for life this must be surrendered; then a fresh certificate is issued to the next reversioner for the estate to which he succeeds, in accordance with the terms of the instrument of transfer executed by the original settler.

Sir Robert Torrens, in a carefully prepared paper recommending the adoption of his system in Great Britain, directs attention to the following safeguards afforded by it against fraud:

(1) The certificate of the title of the vendor, mortgagee, or lessor, which corresponds with the folio of the register and discloses all that concerns a party dealing to know.

(2) Search preliminary to payment, which may be made personally or by letter or telegram, checks *in limine* the attempt to practice fraud by forgery. Admitting that it would be possible to forge the hand and seal of the registrar-general, it would be impossible to get a forged duplicate of the document into the register, and, therefore, the reply to such would be no such title registered.

(3) Proof of identity of parties dealing before a public functionary.

(4) Caveats and non-survivorship, which afford protection to beneficiaries and persons holding equitable interests.

To give some idea of the volume of business transacted under the act, I may mention that during the year ended December 31, 1888, there were no fewer than 9,485 transfers in New South Wales, the total value of which was £5,175,500 (\$25,186,571). The number of mortgages during the same period was 4,274, and their consideration value was £7,520,914 (\$36,600,528); the number of discharges was 2,926, and the consideration of the same £4,179,503 (\$20,339,551); the number of transfers of mortgages was 189; foreclosures, 16; encumbrances, 7; the number of leases, 156; transfers of leases, 52; surrenders of leases, 31; caveats, 379; withdrawal of caveats, 293; writs or warrants, 75; satisfaction of writs or warrants, 9; notices of death, 149; notices of marriage, 7; notices of resumption, 15; vesting orders, 20; powers of attorney, 3; registered proprietor (official assignee), 33; transmissions by indorsements, 358.

I learn from a return furnished by the registrar-general that the number of Crown grants registered under the act in 1888 was 3,563, representing an area of 1,784 acres in town and suburban lots, a total area of 318,875 acres. From the same return it appears that the total acreage registered under the act since its adoption in this colony up to the end of 1888 was 15,912,208 acres, and that the total value of this area was £29,194,856 (\$142,076,767).

These figures furnish abundant evidence of the popularity of the system in New South Wales. An examination of the returns in the other colonies would doubtless show equally satisfactory results.

The Torrens system has been introduced into the Canadian Dominion, where it is said to work exceedingly well.

The author of the measure returned to England in 1863, and a few years later was elected member of Parliament for the borough of Cambridge. He unsuccessfully endeavored to obtain the introduction of his measure into England, although it is said to have received the support of some of the foremost jurists in that country. The leading features have, however, been incorporated into Lord Westbury's act, and the conveyancing act of 1881, an act which appears to have revolutionized the whole practice of conveyances in England. The Torrens system is said, on the authority of J. Henniker Heaton's "Australian Dictionary of Dates and Men of the Times," to have received the commendation of the celebrated American jurist, Dudley Field, who declared it to be "simpler and more in advance of any system of dealing with real estate with which he was acquainted." It is scarcely probable, however, that the system is in advance of the mode of conveyance in the States of the Union, but in Australia there can be no doubt that the Torrens system is a vast improvement on the old law, for in the former we had to deal with only one document, which any layman can understand, while in the latter there were a number of title-deeds, which only an expert lawyer could properly decipher.

Mr. Hanson Cleveland Cox, a gentleman who has given much study to the laws relating to real property in the Australian colonies, is of opinion

that the method of conveyancing in the United States, and the registration of the abstract of title, thus rendering the use of only one deed necessary, is in every way to be preferred to the method prescribed under the Torrens Act, as the former accomplishes the purpose much better and more economically—the cost of advertising and sending notice being rendered unnecessary. There appears to be somewhat of an objection to the Torrens system, in that it does not provide for the establishment of local offices for registration, the act requiring that all transactions be recorded in the central office at Sydney.

Notwithstanding the adoption of the Torrens Act in these colonies, the old system of registration is not likely to be wholly superseded, as a certain class of people here dislike change of any kind and are very conservative in their views, and those who have good titles to their property prefer to leave matters in *statu quo*.

Having now endeavored to explain the peculiar land laws and property of this colony in so far as they bear on the interrogatories I have been directed to answer, I proceed to give replies thereto. In preparing these answers I have received very kind assistance from the Hon. William McMillen, member of the Legislative Assembly and colonial treasurer; Mr. E. G. Ward, registrar-general; Mr. T. A. Coghlan, Government statistician; Mr. A. Consett Stephen, of the very able law firm of Stephen, Jaques & Stephen, and Mr. James Wilson, secretary to the Commercial, Pastoral, and Agricultural Association of New South Wales.

RECORDED INDEBTEDNESS.

Mortgages on real property are recorded in the office of the registrar-general of New South Wales. Attached to his office is a land titles branch with a board consisting of three commissioners, of which he is *ex officio* chairman; there are also a deeds branch and several other branches for conducting the different classes of public business which the laws lay down he is to administer. Liens on crops and on wool are also recorded in the office of the registrar-general, but mortgages on personal property and judgments both decreed and confessed are recorded in the supreme court.

In regard to liens on crops and wool, it is necessary to remark that the enormous pastoral interests of New South Wales render the practice of mortgaging wool a very general one. Transactions of this kind are usually done through the various banking institutions in the colony, and it must be remembered that the banking system of Australia is more like that of Scotland than that prevailing in England and the United States. Advancing money on wool is so universal a transaction that no surprise is expressed at advances upon wool growing upon the sheeps' backs even when the sheep have been pledged to another mortgagee.

The colonial banks are regarded as very important factors in the prosperity of these colonies. There are twenty-seven banks of issue in Australasia, twenty-one of which are colonial and six Anglo-colonial, and their paid up capital amounts to £15,787,946 (\$76,832,039), their reserve fund

to £7,637,285 (\$37,166,847), and their half-yearly dividend to about £878,534 (\$4,275,386), or £1,757,068 (\$8,550,771) per annum. At one time liens on crops and wool were not regarded as legitimate banking business, but now the leading statesmen and political economists approve of such transactions. In fact, securities on wool and crops are increasing in value through the growth of the population, the improvements taking place on land, the extension of railways, and the opening up of new and often better markets. The value of these securities may become weakened in seasons of drought, but the banks seldom sustain loss, for in prosperous seasons they are amply re-imbursed. It is believed that this system of advances has done much to promote settlement, and the banking corporations admit that their business must accommodate itself to the character of the community with whom they do business. Indeed, it is claimed that the pastoral interests of Australasia could not have been developed to the present vast proportions without the help of some such means. The system has been facilitated by the enactment of the lien on wool and mortgage of live stock act. This law was introduced into New South Wales by the Australian patriot, William Charles Wentworth, in 1843, and, although it has from time to time been amended, the leading principles remain the same. It did not, however, permit a second mortgage so long as the first remained unsatisfied, but in 1868 fresh legislation allowed, with the consent of the mortgagee, but not otherwise, a lien on the next season's clip of wool from the same sheep.

Every facility is afforded the banks which advance the money to indemnify themselves against loss. The act provides that the preferable lien of the lienor on the wool of the next ensuing clip shall not be in any way extinguished or impaired by any subsequent sale or mortgage. In the event of the lienor failing to comply with his agreement the lienor can take charge of the sheep for the purpose of shearing the same; all the expenses attending such shearing and carrying the wool to market shall become a part of the amount secured by the lien. The registrar-general is obliged to keep a separate and distinct register from year to year of agreements or advances on wool and a separate register for all mortgages of sheep. Twelve months after the expiration of the period for which the lien is obtained the registrar-general is empowered to remove from the records all such preferable liens, or he can, at any time, at the request of both parties, enter satisfaction of the same.

There are no records by which the ratio mortgages and judgments bear to the valuation of taxable property can be determined in New South Wales. It is probable, however, that the ratio is as one to two. The Government statistician gives the probable ratio as follows: (a) Of real estate, 2.1 per cent; (b) of real estate, personal property, and merchandise, 1.8 per cent.

There is no law requiring the registration of mortgages except as relate to property under the Torrens Act. It must be borne in mind, however, that a registered mortgage takes priority over an unregistered one, even if the latter should have been executed first. The banks doing business in this

colony frequently hold unregistered mortgages, and such mortgages rank according to their dates, but in all cases it is understood that they are private conveyances and can not take precedence of a registered mortgage. :

Section 40 of the real property act (the Torrens Act) bearing upon this subject is as follows :

(40) Notwithstanding the existence in any other person of any estate or interest whether derived by grant from the Crown or otherwise which but for this act might be held to be paramount or to have priority* the registered proprietor of land or of any estate or interest in land under the provisions of this act shall, except in cases of fraud, hold the same subject to such encumbrances, liens, estates, or interests, as may be notified on the *folium* of the register book constituted by the grant or certificate of title of such land, but absolutely free from all other encumbrances, liens, estates, or interests whatsoever, except the estate or interest of a proprietor claiming the same land under a prior certificate of title or under a prior grant registered under the provisions of this act, and except as regards the omission or misdescription of any right of way or other easement created in or existing upon any land, and except so far as regards any portion of land that may, by wrong description of parcels or of boundaries, be included in the grant certificate of title lease or other instrument evidencing the title of such registered proprietor not being a purchaser or mortgagee thereof for value or deriving from or through a purchaser or mortgagee thereof for value.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages do not complicate or embarrass the transfer of property to any appreciable extent for the reason that the equity of redemption can be transferred without reference to the mortgage. There is no difficulty whatever about it. The old system of mortgages has been abolished. Under the present law the mortgageor returns his certificate of title and can not deceive any one. The forms of completing and canceling mortgages are so simple and inexpensive that all the business connected with either transaction can be done in a few hours at a cost of a few shillings. Ample power is given to the registered proprietor to secure a second mortgage, and when all encumbrances are removed he can easily and speedily obtain a new certificate freed from all encumbrances of the past. It will be seen from my remarks on the Torrens Act, in the opening part of this report, that as soon as property is registered a certificate is issued to the proprietor. This certificate is on half a sheet of parchment, and is a certificate of registration of title, not of deed. When property is mortgaged, the mortgageor holds one certificate of title and the other, or duplicate, which is, in fact, the original certificate, is retained by the registrar-general and is bound up in a book called the register book. The mortgageor executes a form of mortgage provided by the act, in duplicate; one is delivered to the mortgageor and the other is filed in the registrar-general's office, both having been duly registered. A memorandum of every mortgage is indorsed on the mortgageor's certificate of title and upon all duplicate certificates recorded in the registrar-general's office.

* By S. 11 of 41 Vic. No. 18, the title of a registered proprietor is declared to be incapable of being injuriously affected by any length of possession adverse to the registered title.

INCREASE OR DECREASE OF MORTGAGES.

Recorded indebtedness has very considerably increased during the last few years, notably since 1884, principally on account of the diminished value of land from overspeculation. The following table shows the growth of the liens on wool and mortgages on live stock in New South Wales between 1876 and 1888, inclusive:

Number and amount of preferable liens on wool, and of mortgages on live stock, registered in the colony.

Year.	Preferable liens on wool.			
	Number of liens.	Number of sheep.	Amount of liens.	
1876.....	920	4,828,951	£752,819	\$3,663,594
1877.....	994	4,386,378	627,779	3,055,087
1878.....	1,027	4,611,696	714,273	3,476,010
1879.....	1,246	6,602,742	1,005,118	4,891,407
1880.....	1,479	6,216,741	981,172	8,778,874
1881.....	1,609	5,709,061	904,012	4,399,374
1882.....	1,289	4,837,667	801,175	3,898,918
1883.....	1,302	6,340,802	1,026,574	4,985,822
1884.....	1,379	4,168,185	973,179	4,735,976
1885.....	1,236	5,263,407	1,327,214	6,458,887
1886.....	1,187	9,049,194	1,454,154	7,076,640
1887.....	1,285	9,296,975	1,685,655	8,203,240
1888.....	1,274	9,800,520	1,222,125	6,239,461

Year.	Mortgages on live stock.				
	Number of mortgages.	Number of sheep.	Number of horned cattle.	Number of horses.	Amount lent.
1876.....	758	2,480,004	258,447	5,847	£2,157,835
1877.....	1,994	2,565,962	185,796	6,726	2,004,363
1878.....	914	2,647,183	183,210	8,412	2,059,348
1879.....	925	3,538,161	128,685	9,564	2,268,850
1880.....	901	4,858,265	183,555	401	2,818,967
1881.....	1,275	5,982,994	215,564	9,646	4,623,915
1882.....	1,074	3,865,331	112,441	8,391	3,391,984
1883.....	1,077	3,601,890	131,068	7,389	2,486,408
1884.....	1,471	2,696,994	77,241	8,097	1,881,082
1885.....	1,431	4,730,233	117,241	10,764	2,962,471
1886.....	1,363	4,323,553	79,616	10,349	2,404,813
1887.....	1,593	3,954,286	79,312	11,464	2,054,785
1888.....	1,998	4,002,148	80,120	12,364	2,003,216

NOTE.—When any sum has been secured both by a lien on the wool and by a mortgage of the sheep, the amount is included under the head of mortgages only.

There should, however, be deducted from the above the number and amount of the discharges of mortgages; I therefore give a table showing the discharges of mortgages on live stock registered for each of the same years:

Number and amount of discharges of mortgages on live stock registered in the colony.

Year.	No.	Amount.	
1876.....	190	£1,088,079	\$5,003,146
1877.....	225	1,292,703	6,290,939
1878.....	139	1,037,119	5,047,140
1879.....	161	1,247,708	6,071,971
1880.....	232	3,804,475	18,514,478
1881.....	399	2,781,122	13,534,330
1882.....	258	1,900,443	9,248,506
1883.....	126	600,426	2,921,973
1884.....	306	3,801,332	18,499,280
1885.....	208	1,173,673	5,711,680
1886.....	150	849,742	4,135,270
1887.....	210	1,073,674	5,225,035
1888.....	240	1,160,307	5,646,634

The liens on growing crops in the colony have increased largely during the past year. The subjoined table shows the condition of these liens from 1876 to 1888, inclusive:

Number and amount of liens on growing crops in the colony registered in Sydney.

Year.	No.	Amount.	
1876.....	329	£16,419	\$79,903
1877.....	477	27,086	131,814
1878.....	539	43,186	210,165
1879.....	778	55,869	271,886
1880.....	797	81,626	397,233
1881.....	897	42,255	205,634
1882.....	854	40,379	196,304
1883.....	814	50,789	247,165
1884.....	888	54,057	263,068
1885.....	857	71,153	346,266
1886.....	989	70,212	341,687
1887.....	949	67,379	327,900
1888.....	1,006	247,466	1,204,096

The number and amount of mortgages on land show a decline since 1885. The subjoined table shows the number of mortgages on land for the period from 1876 to 1888, inclusive:

Number and amount of mortgages on land registered in the colony.

Year.	Lent on town lands.		Lent on suburban lands.	
	No. of mortgages.	Amount.	No. of mortgages.	Amount.
1876.....	971	£639,815	660	£310,663
1877.....	518	533,589	660	304,714
1878.....	1,071	856,316	777	381,149
1879.....	1,159	920,337	930	477,042
1880.....	1,180	938,316	1,374	568,644
1881.....	1,283	1,364,471	1,218	676,901
1882.....	990	1,326,683	1,405	903,047
1883.....	1,030	1,541,110	1,640	983,949
1884.....	1,677	1,490,139	1,518	919,341
1885.....	1,190	1,608,133	2,500	1,643,886
1886.....	1,618	3,085,757	2,089	1,438,276
1887.....	951	1,228,309	2,400	1,565,755
1888.....	990	1,934,208	2,116	1,338,167

Year.	Lent on town and country lands.		Lent on country lands.	
	No. of mortgages.	Amount.	No. of mortgages.	Amount.
1876.....	7	£10,609	488	£441,671
1877.....	8	8,419	572	462,052
1878.....	13	8,126	579	735,891
1879.....	12	23,539	708	1,041,045
1880.....	9	86,919	432	2,455,074
1881.....	18	13,981	1,986	3,213,096
1882.....	12	14,103	1,752	2,680,763
1883.....	2	4,146	1,416	3,330,266
1884.....	68	82,212	1,390	3,128,729
1885.....	21	118,003	3,907	7,990,086
1886.....	31	254,865	3,195	2,791,312
1887.....	26	83,483	2,731	2,991,756
1888.....	16	44,680	4,330	5,448,053

Year.	Total.	
	No. of mortgages.	Amount.
1876.....	2,126	£1,402,848
1877.....	1,758	1,308,775
1878.....	2,440	1,981,481
1879.....	2,809	2,461,964
1880.....	2,995	4,048,952
1881.....	4,505	5,268,449
1882.....	4,159	4,924,596
1883.....	4,088	5,859,472
1884.....	4,653	5,620,421
1885.....	7,618	11,360,108
1886.....	6,933	7,570,210
1887.....	6,108	5,869,302
1888.....	7,490	8,765,109

Mr. T. A. Coghlan, the Government statistician, to whom I am indebted for these tables, directs attention to the fact that the indebtedness is not to be determined by the amount of the liens on live stock and wool, for the mortgages over such terminate for the most part without being formally discharged. Even in the case of mortgages on real estate the amount outstanding does not represent money actually owing. In very many cases it simply represents the limit within which clients of the banks are entitled to draw, though many of these clients may be in credit while their property is mortgaged. Making these allowances, it is probable that the amount of private indebtedness on account of money advanced on mortgages of various kinds is about £22,500,000 (\$109,496,250). The greater part of this sum represents the engagements incurred by pastoral tenants for the improvement or security of their estates, while a considerable part is due to the purchase of land in the vicinity of Sydney on credit with payments in reduction extending over a number of years.

UNRECORDED INDEBTEDNESS.

It is not possible to arrive at any thing like a correct estimate of the proportions of recorded and unrecorded indebtedness for the reason that many advances are made by banks and other money-lending institutions that are not registered, and in the absence of registration there is no means of ascertaining the value of such securities.

LIENS.

Registered liens and bills of sale over personal property take preference by priority of registration. Judgments stand *pari passu*. Such property is subject to execution. In the right of execution, however, creditors do not depend on priority of judgment, and property is not bound until execution is issued. The lien law now in force for legalizing preferable liens in this colony was passed in 1862. The term crops includes all kinds of agricultural and horticultural produce, such as wheat, maize, sorghum, oats, grass whether for hay or to be cut green, oranges, grapes whether for fruit or for wine, and, indeed, fruit of any other kind.

The act provides that the lien must be registered within thirty days after the agreement, and holds good for one year. The whole of the growing crop belongs to the lienee, provided the agreement bears on its face an acknowledgment that the advance was made on the security of the growing crop. The lienor can at any time pay off the advance with interest specified in the agreement. No such lien shall be extinguished by any sale or mortgage of the land on which such crop is growing, nor by the death or the insolvency of the lienor. The lienee has the right of selling the crop and paying himself his advance with interest and all expenses of selling; the balance is to be paid to the lienor. If the lienor be a householder, the lienee, before selling the crop, must pay any rent due to the landlord, and can repay himself out of the sale of the crop, provided that there is not more than one

year's rent due. If there is a mortgage on the land, the lienee must pay any interest due on the mortgage, but not more than for one year, and he can repay himself out of the sale of the crop. Should the lienor sell any part of the crop without the consent of the lienee, he is liable to fine and imprisonment with or without hard labor. A like penalty is exacted against the violation of the provisions of the lien law on wool.

INTEREST.

The current rate of interest on mortgages in New South Wales is 6 per cent. There is, however, no statute regulating the amount or any laws against usury. The rate is usually fixed by the amount borrowed and the value of the security. It is simply a matter of agreement, and the courts would probably enforce even a very high rate if the security was weak or doubtful. The rates on personal property are usually much higher. They seldom fall below 8 per cent., and often reach as high as 10 and 12 per cent. In regard to judgments, the rate is 8 per cent, this being fixed by the act with respect to verdicts and judgments, it being enacted that every judgment debt recovered in the supreme court shall carry interest at the rate of 8 per cent. per annum from the date of entering up judgment, and such interest may be levied under a writ of execution on such judgment. (29 Victoria, No. 18, 1866, New South Wales.)

FORECLOSURES.

Mortgages are foreclosed by suit in equity unless the property is under the Torrens or real property act, and then they are foreclosed by advertisement after notice, at a very small cost. Power of sale may be exercised upon default, and the expense is slightly greater than in the case under the Torrens Act. A suit for foreclosure is an expensive, a lengthy, and a tedious process. A foreclosure in any case can be obtained only through failure to find a purchaser by public auction at a price sufficient to cover the mortgage debt. Properties under mortgage are almost invariably sold under power of sale when mortgagees require their money. Sections 113 and 114 of the act are as follows:

(113) When default has been made in the payment of the interest or principal sum secured by memorandum of mortgage for six months a registered mortgagee or his solicitor, attorney, or agent may make application in writing to the registrar-general for an order for foreclosure, and such application shall state that such default has been made as aforesaid and that the land, estate, or interest mortgaged has been offered for sale at public auction by a licensed auctioneer after notice given to the mortgageor, as in this act provided, and that the amount of the highest bid at such sale was not sufficient to satisfy the money secured by such mortgage, together with the expenses occasioned by such sale, and that notice in writing of the intention of such mortgagee to make such application has been given to the mortgageor by leaving the same at his usual or last known place of abode if such place be within 3 miles of the residence of such mortgagee, or by forwarding the same by registered letter through the post-office if such place be beyond that distance, and such application shall be accompanied by a certificate of the auctioneer by whom such land was put up for sale and such other proof of the matters stated by the applicant as the registrar-general may require, and the statements

made in such application shall be verified by the oath or statutory declaration of the applicant or other person applying on his behalf.

(114) The registrar-general shall refer such application to the commissioners, who may direct the registrar-general to cause notice to be published once in the Gazette and once in each of three successive weeks in at least one daily newspaper published in Sydney, offering such land for sale, and shall further limit and appoint a time not less than one month from the date of the publication in the Gazette upon or after which the registrar-general may issue to such applicant an order for foreclosure, unless in the interval a sufficient amount has been realized by the sale of such land to satisfy the principal and interest moneys due, and all expenses occasioned by such sale and proceedings and every such order for foreclosure under the hand of the registrar-general and entered in the register book shall have the effect of vesting in the mortgagee all the estate and interest of the mortgageor in the land mentioned in such order free from all right and equity of redemption on the part of the mortgageor or of any person claiming through or under him.

PARTIAL PAYMENTS.

There does not appear to be any provision made for partial payments, nor is it necessary to record them, but it is otherwise in case of judgments. As a rule, the debtor loses all benefit by making default unless he have some equitable right of redemption in him. In case of sale the debtor must be credited with whatever payments he has made, and after the amount unpaid is satisfied the balance must be handed to the debtor.

CANCELLATIONS.

Mortgages are canceled by reconveyance or discharge of mortgages in the registrar-general's office. The form under the Torrens Act is a very simple one. Under the law other than the Torrens Act mortgages are canceled by writing up satisfaction on bills of sale and by order of a judge and registration in the supreme court. According to section 52, New South Wales trustee act, 16 Victoria, No. 19, 1830, it is provided that an acknowledgment of receipt of all money due under the mortgage debt, indorsed on the mortgage, should, upon registration, operate as a discharge of the mortgage debt and a reconveyance of the property comprised in the mortgage. This has been the usual and cheapest way of revesting mortgaged property in the mortgageor.

G. W. GRIFFIN,
Consul.

UNITED STATES CONSULATE,
Sydney, August 17, 1889.

CONTINENT OF AFRICA.

BRITISH AFRICA.

CAPE COLONY AND NATAL.

REPORT BY CONSUL HOLLIS, OF CAPE TOWN.

ACKNOWLEDGMENTS.

I have the honor to forward herewith a report on recorded and unrecorded indebtedness of Cape Colony and Natal. In the preparation of this report I have had the valuable assistance of Charles A. Fairbridge, esq., city solicitor and one of the board of managers of the largest trust corporation here.

RECORDED INDEBTEDNESS.

Under the law and practice of this colony the sale and transfer of landed property to vest it legally in the purchaser must be by a deed registered in the public registry of deeds. The legal title is constituted by payment of the purchase price and the handing over to the buyer of the title deeds; in case of the insolvency of the seller before formal transfer and registration the buyer thus holding title-deeds has no lien on the property for the amount of the purchase price and must surrender the title-deeds. Mortgages upon landed property are effected by a formal deed setting out the terms and amount of the loan, which deed must be registered in the debt registry, and from the date of such registry the preference runs. A bond securing the whole or part of the purchase price of land passed by the buyer in favor of the seller is, in all cases, an absolute first preference.

Every mortgage to carry a preference must be recorded.

RATIO OF MORTGAGES TO TOTAL VALUATION.

As to the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property—assuming that the scope of this query is limited to the ratio borne by mortgages to assessed valuation on which such liens are levied—the rule observed by banks and other institutions advancing money on the security of the property is usually two-thirds of the appraised value (such appraisalment to be to the satisfaction of the lenders), which may be described as having so safe a margin that second mortgages on the same property, though not deemed so good, are not unusual. It must be added, however, that all the mortgages contain what is known here as the clause of general mortgage, *i. e.*, the debtor, besides mortgaging the land or estate, also pledges all his other assets, a pledge which, in case of deficiency

in the special mortgage itself, applies to all the debtor's property not otherwise specially mortgaged.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages do not necessarily embarrass transfer of land. For instance, A buys from B, who has a mortgage on the property in question. This must be discharged or settled before transfer passes, unless A agrees to buy and take transfer subject to the existing mortgage, a matter of arrangement between the parties, in which event, however, the old bond must be canceled in the debt registry and a new bond passed, and a fresh entry made in the debt registry in the name of the new debtor.

INCREASE OR DECREASE OF MORTGAGES.

As to whether recorded indebtedness is increasing or diminishing in proportion to estimated values, it is impossible to give any satisfactory reply. In the entire absence of any thing like data this can not be determined or even guessed at. I can only state, as I have already pointed out in my reply to query No. 3, that the rule of public companies and cautious financiers is not to advance on landed property more than two-thirds of its appraised value, which, in ordinary times, is safe enough and leaves a margin for further advances by more enterprising capitalists. I know of no means worthy of reliance which would enable me to arrive at the fair value of the landed property of this colony, nor have I been able to find a person whose opinion would be of value who would hazard a guess. It would be an expensive and colossal undertaking to totalize from the records of the folios of the debt registry the total amount of bonds and hypothecations.

Reasoning from general principles, however, one would naturally assume that, as the colony has enjoyed a greater degree of prosperity for the last year or two, personal indebtedness will very likely have diminished.

UNRECORDED INDEBTEDNESS.

I can see no means by which one could arrive at an approximate amount of unrecorded indebtedness, while the expense of procuring the amount of registered obligations would be so great as practically to prohibit the compilation of such data. Full particulars of the latter form of indebtedness can be obtained at the registry of deeds for the colony in Cape Town by the payment of a small fee in each case, about 62 cents; but unrecorded obligations are locked up in the books of the merchant and capitalist, to which the public, of course, have no means of access. The above answers apply equally to Natal Colony.

It may not be out of place here, as having some bearing on this question, to compare the insolvencies in the colony for the years 1887 and 1888. In the former year the amounts were as follows: Assets, £304,435, with liabilities £570,297, say 60 per cent.; while in the latter year the assets were £198,148; liabilities, £276,838, say 80 per cent., showing a reduction of

nearly 50 per cent. in liabilities and an increase of 20 per cent. in assets. This certainly shows commercial healthfulness, and would lead one to predicate a diminution of both forms of indebtedness.

LIENS.

Hypothecation or pledge of movables, unaccompanied by delivery of the articles specially pledged into the actual possession of the person making the loan, conveys no absolute title. A creditor upon a pledge of movables has a preferment lien on the articles if they are in his possession, but otherwise he ranks only as a concurrent creditor upon the estate of an insolvent. Persons who make advances on the estate generally of an individual without special security in hand, but on the prospect of what the estate will realize, do so by a notarial deed, which, to carry a preference against the general body of unsecured creditors, must be registered in the debt registry, which is open to public inspection on the payment of a small fee, and thereupon, in case of the insolvency of the debtor, this notarial bond carries a preference on the estate of the insolvent after the discharge of the bonds specially mortgaging particular assets. If there be several of these notarial bonds, they rank according to priority of registration.

INTEREST.

There is no usury law in force in this colony, and lenders and borrowers are therefore left to make their own arrangements, subject only to equitable relief in cases where the courts may consider gross extortion is proven. The current rate of interest here at present, in the absence of special stipulation, is 6 per cent. per annum, but higher rates occasionally prevail.

FORECLOSURES.

The principle of foreclosure does not prevail in this colony. When a bond becomes due under the terms of its conditions and is not paid, the mortgageor is sued on it for a decree of payment and for excussion of the property or articles pledged in satisfaction. Judgment being accordingly so decreed, the property is sold by public auction by an officer of the court giving judgment, after due notice, and the amount realized in such sale goes, as far as it can, to satisfy capital (the face of the bond), interest, and costs, the balance, if any, belonging to the debtor. The expenses for such sale would not exceed \$100.

PARTIAL PAYMENTS.

Payments on account of a bond should, strictly speaking, be written off in the debt registry (as is invariably done when a bond is canceled by payment of the debt), and they are usually indorsed receipted on the counterpart of the bond in the possession of the mortgagee. The debtor is, however, sufficiently protected so long as he possesses proof of a payment, and it would, of course, operate directly against the creditor when he produced his bond and demanded payment if such credit was not given. If the bond be ceded to a third party, he would receive it subject to its equities,

and would therefore take care not to accept unless he had satisfied himself that it had not been paid in whole or in part.

CANCELLATION.

The ordinary form of cancellation is by writing off the debt in the debt registry by making a credit against the debt thus entered. The creditor's counterpart is produced and defaced by cutting it, and the deed office copy of the transfer, which, in the case of a mortgage of landed property, is indorsed with the amount of every mortgage on the land to which it constitutes title, has this indorsement canceled.

GEO. F. HOLLIS,

Consul.

• UNITED STATES CONSULATE,
Cape Town, July 13, 1889.

CAPE COLONY.

REPORT BY CONSULAR AGENT CHABAUD, OF PORT ELIZABETH.

RECORDED INDEBTEDNESS.

The following are the kinds of bonds known in this colony :

Kusting. — Kusting brief, a term applied only to a mortgage bond (passed before the registrar of deeds) for the security of the balance of purchase money of landed property.

Hypothecation. — A mortgage bond (passed before the registrar of deeds) for money lent, debt due, debt taken over, goods sold and delivered, or generally for any cause other than for balance of purchase money.

These two forms of bonds are only passed securing landed property. The same property may be mortgaged more than once to different creditors for different debts, but the prior mortgage takes preference. These bonds invariably include, besides the landed property specially mentioned, the general clause, whereby the mortgageor binds all his other property, such as he is already possessed of, movable and immovable, without any exception, and submitting them all and the choice thereof to constraint and execution, as the law directs, for payment of the debt.

In such case the general cause only ranks preferential over the general property, but not over such landed property not mentioned in the bond and specially mortgaged by another bond, except, should a particular piece of bonded landed property realize more than the amount of the special bond over it, then the first general clause has a prior claim over the surplus to the extent of the unsatisfied claim, and after being so satisfied the second bond comes in, and so on. These bonds can be challenged by creditors, *e. g.*, in case of the debtor's insolvency on the ground of undue preference, but it is very seldom a bond is upset.

Special bond. — A bond (passed before a notary public) specially mortgaging movable property specified in the deed.

General bond.—A bond (passed before a notary public) mortgaging generally all the property, movable and immovable, without any exception, according to law, of the mortgageor.

With regard to this form of bond it should be stated that though a general bond of the foregoing nature has been passed, and the mortgageor allowed to retain his titles, he can, though committing an act of fraud as against the holder of the general bond, give a deed of hypothecation to an innocent third party, which deed would hold good as against the holder of the general bond to the extent of the property specially hypothecated.

Again, movables received under a general bond must be kept in the possession of the mortgagee, as, according to our law, a pledge without possession is valueless. General bonds are usually passed in cases of supported accounts, and are really only of use in case of insolvency. The safest way of obtaining proper security is by getting the debtor to pass a deed of hypothecation hypothecating specific immovable property, with general clause, and a schedule setting forth all the assets intended to be secured by such deed or bond, the creditor or bond-holder, of course, retaining possession and control of the movables.

Kinderbewijs.—A deed (executed before a notary public) for security of minors' portions, generally passed by a parent upon remarriage to secure inheritance due to children by estate of the first spouse.

Contract.—Antenuptial contract (a deed executed before a notary public) by two intending spouses prior to marriage, whereby it is agreed that there shall be no community of property between the intended consorts, and, in most cases, settling life policy or other property on the wife. All the foregoing must be registered in the deeds office forthwith, twenty-one days from date of execution being allowed for such purpose, and the order of preference dating from date of registration.

It is not absolutely necessary for a mortgageor to appear in person either before the registrar or the notary; he can do so by power of attorney.

All bonds must be stamped according to the following schedule:

	£.	s.	d.
Amount secured not exceeding £10.....	0	2	0
Exceeding £10 and not exceeding £20.....	0	3	0
Exceeding £20 and not exceeding £30.....	0	5	0
Exceeding £30 and not exceeding £50.....	0	7	6
Exceeding £50 and not exceeding £100.....	0	10	0
Exceeding £100 and not exceeding £150.....	0	15	0
Exceeding £150 and not exceeding £200.....	1	0	0
Exceeding £200 and not exceeding £300.....	1	5	0
Exceeding £300 and not exceeding £400.....	1	10	0
Exceeding £400 and not exceeding £500.....	2	0	0
Exceeding £500 and not exceeding £600.....	2	10	0
Exceeding £600 and not exceeding £700.....	3	0	0
Exceeding £700 and not exceeding £800.....	3	10	0
Exceeding £800 and not exceeding £900.....	4	0	0
Exceeding £900 and not exceeding £1,000.....	5	0	0
For every additional £100 or fraction thereof.....	0	6	0

On deeds of *kinderbewijs*, half the above amounts; on antenuptial contracts, £1 on the original and 1 shilling on every copy.

In preparation of bonds care should be taken that the legal exceptions and benefits are properly renounced by the debtor and sureties, who should be informed of the force and effect of the benefits renounced by them. The benefits should be renounced specifically, it not being sufficient for the sureties simply to renounce all benefits in law.

The following are the legal exceptions and benefits: The *causa delicti* being an essential requisite in a bond, without the insertion of which an instrument would be void, it is important it should be correctly described, and, if the debt arises from more considerations than one, each cause of debt should be expressed separately. If the cause of debt has been omitted to be set forth, the debtor would nevertheless be liable if the creditor could prove the cause. If the debt arises from money lent and advanced, the exception *non numeratæ pecuniæ* of money not paid should be renounced; if from goods delivered, the exceptions "revision of account," "errors of calculation," and "no value received" should be renounced; if from a settlement of account, "revision of account" and "errors of calculation." The benefits of sureties and joint debtors are: *Beneficium ordinis seu excussionis*. By this benefit the surety might refer the creditor who demands from him the payment of his debt to excuss, in the first place, the goods of the principal debtor. It is tacitly renounced when he binds himself as surety and co-principal debtor.

Beneficium divisionis takes place when two or more persons engage themselves as sureties for the same debt. The effect of this benefit is, that the debt may be divided by the sureties and each surety pay his share; but, if the sureties renounce, they are each of them held to oblige themselves for the whole debt.

Beneficium novæ constitutionis de duobus vel pluribus reis debendi, by which, if two or more persons bind themselves as principal debtors for the payment of a debt, each is only liable for his share of the debt, unless he had expressly renounced this benefit.

To render effectual the engagement of a woman married without community of goods becoming surety with her husband, and by him duly assisted, she must expressly renounce—

(1) The *beneficium senatus consulti bellejani*, which destroyed the obligation of women.

(2) *De authenticæ si qua mulier*, which incapacitated them from becoming sureties for their husbands.

(3) The benefit of her antenuptial contract, which stipulated that she should not be answerable for any debts contracted by her husband after their marriage.

(4) The *beneficia ordinis seu excussionis et divisionis*.

A female of full age, or a widow becoming surety with others, renounces the first and the fourth of the above benefits.

There are no other recorded liens than those above expressed. I shall refer to liens more particularly in my answer to next question.

Judgments, after being pronounced, are recorded by the registrar of the court, who issues execution when applied to by the attorney for the applicant after all court formalities, not necessary to be herein set forth, are complied with.

Judgment confessed is recorded only by the registrar and is not published, but inspection of the record at the office of the registrar is always obtainable. Judgments decreed are published in the Government gazette and local newspapers and recorded in the same manner as confessed judgments.

RATIO OF MORTGAGES TO TOTAL VALUATION.

It is impossible to give the ratio which mortgages and judgments bear to total valuation of taxable and assessed property in so far as judgments are concerned; but the ratio of the amounts secured by mortgage of immovable property is between one-half to two-thirds of the value of such mortgaged property as declared by the divisional council. About one-third of the property in this district is mortgaged. The valuation of assessed property in the district of Port Elizabeth by the divisional council is £1,789,162.

MORTGAGE RECORD.

Mortgages must be recorded, that is, registered, and only such deeds as are passed before the registrar of deeds or a notary public can be registered.

MORTGAGE COMPLICATION OF TITLE TRANSFERS.

Mortgages do not complicate or embarrass the transfer of land titles.

No title which has a mortgage indorsed on it can be conveyed until the mortgagee has consented to the cancellation thereof. As all mortgages are registered, it is impossible for a mortgaged title to be conveyed or transferred. Of course, any property which is mortgaged is, to an extent, prejudiced by such fact; for instance, the owner, *i. e.*, the registered owner, can not grant a long lease without the consent of the mortgagee.

UNRECORDED INDEBTEDNESS.

It is possible to arrive at a probable proportion of existing recorded indebtedness by applying to the registrar of deeds, but unrecorded indebtedness it is impossible to estimate.

LIENS.

The law of lien is very much the same here as elsewhere. Landlords have a lien on tenants' goods and crops for rent, tradesmen on goods intrusted to them for repairs and work performed, etc.; but all these must be enforced by legal process and can only legally be sold under a judgment of a competent court, save where special authority in writing is given, as, for instance, where money is lent and security deposited for the payment of the same with the right to the lender to sell and dispose of the goods in question after

waiting a certain time. All property is subject to execution, but in case of landed property it is necessary to apply to one of the superior courts to have the property declared executable.

With regard to questions 1 and 2, I should add that furniture dealers, piano hirers, and sewing-machine dealers, have, for some time past, sold their wares under what is termed the "hire system." It will suffice for me to state that in such cases the hirer, by reasonable default in the conditions, forfeits all prior payments and the article leased reverts to the hirer and conditional seller. By two recent decisions of our judges these leases and conditional sales have been held good in law. They are not required to be recorded, or, as we term it, registered.

INTEREST.

- The interest on mortgages is from 6 to 8 per cent., very often 7 per cent., and occasionally, though very rarely, 5 per cent.; on judgments, usually 8 per cent.; but all is in the discretion of the judges, who are authorized to declare the rate of interest *a tempore mora*.

FORECLOSURES.

Foreclosures are almost invariably by action at law, and in ordinary cases the expense amounts to about £15. To this must be added the sheriff's charges for realization—5 per cent. on the net proceeds of the sale for the first £100 and 4 per cent. after that. If the mortgageor and mortgagee are the only persons concerned, or if the estate be bankrupt, action at law is not necessary; the mortgageor and mortgagee can consent to a sale without applying to the courts, and the trustee of an insolvent estate can sell without applying for leave to do so, but in all other cases the intervention of the courts is necessary.

PARTIAL PAYMENTS.

The ordinary receipt for so much, either indorsed on the bond, obligation, or order of court, or on an ordinary receipt form, will be a sufficient discharge, and the bond obligation or judgment reduced *pro tanto*. It is not necessary to record such payments on account, nor do such payments on account prejudice the debtor; the bond, obligation, or judgment remains good for any balance. Of course, this answer has no reference to bills of exchange or promissory notes.

CANCELLATIONS.

A receipt for the amount is written across the bond and signed by the mortgagee, and is then sent to the registrar to be canceled; or, the mortgagee gives a power to some one in Cape Town to appear before the registrar of deeds to consent to a cancellation.

JOHN A. CHABAUD,
Consular Agent.

UNITED STATES CONSULAR AGENCY,
Port Elizabeth, June 24, 1889.

ST. HELENA.

REPORT BY CONSUL COFFIN.

RECORDED INDEBTEDNESS.

Mortgages on real and chattel property, under a local ordinance, No. 33, of 1839, may be registered at the option of the mortgagee at the office of the secretary to the Government; as regards liens and judgments, decreed and confessed, the laws of England are followed. There being no local law in force here to compel the registration of mortgages, the probable ratio of mortgages and judgments to the total value of taxable and assessed property is not ascertainable.

Mortgages do not complicate or embarrass the transfer of land titles, but on the purchase of real estate the purchaser gives a personal bond as collateral security to meet any deficiency if the mortgaged property is sold by order of the mortgagee.

LIENS.

There is no local law on the subject of liens; the law of England is followed. The tools and implements of a debtor's trade and his wearing apparel to the value of £20 are exempt from execution. All other personal property, including crops, is subject to execution of judgment.

INTEREST.

The prevailing rate of interest is 7 per cent. on mortgages and 4 per cent. on judgments.

FORECLOSURES.

Mortgages are seldom foreclosed by action at law. The power in the deed is acted upon, viz, six months after notice and failure of interest or payment of principal the property is put up for sale by auction.

PARTIAL PAYMENTS.

As the mortgage is held by the mortgagee, partial payments are recorded on the instrument, and the mortgage so reduced is held good in law. The debtor does not lose if he default in part.

CANCELLATIONS.

The ordinary form for canceling is simply a few lines written at the foot of the deed and sealed.

JAMES B. COFFIN,

Consul.

UNITED STATES CONSULATE,

St. Helena, November 2, 1889.

LIBERIA.

REPORT PREPARED FOR CONSUL-GENERAL SMITH, OF MONROVIA, BY THE LIBERIAN ATTORNEY-GENERAL.

RECORDED INDEBTEDNESS.

We have no statutes of our own regulating the recording of mortgages and other evidences of indebtedness, but we practice, to a great extent, the system in vogue in most of the States of the United States, as explained in the works of Story and Kent.

At present we have no means of ascertaining the probable ratio that mortgages and judgments bear to the total valuation of taxable and assessed property, for the want of a proper bureau of statistics.

All mortgages must be recorded, but parties are not always careful to have the cancellation of their mortgages recorded, which makes it difficult to ascertain the ratio called for. Mortgages do embarrass or complicate the transfer of land titles to this extent, that the purchaser takes possession, subject to the right of the mortgagee, who has a lien on the land until his debt is paid. In my opinion recorded indebtedness is diminishing in proportion to estimated values.

UNRECORDED INDEBTEDNESS.

It is not possible, at present, to arrive at a probable proportion of existing recorded and unrecorded indebtedness, for the reasons given above.

LIENS.

Liens may be placed on personal property, both by preference and by confession of judgment, including crops, and such property is subject to execution of judgment. A recent statute has exempted, as a "homestead," one town lot with the buildings thereon, or one acre of farm land with the buildings and crops thereon; and, also, the sum of \$200 worth of personal property, provided that the provisions of the law are complied with,

INTEREST.

The prevailing rate of interest on judgments is 6 per cent., and the same is the prevailing rate on mortgages, but parties may contract for a higher rate, not exceeding 10 per cent.

FORECLOSURES.

Mortgages are generally foreclosed by suit in equity, but sometimes under power given in the mortgage, but at small expense, except where the mortgagee opposes the foreclosure, which will, of course, increase the expense.

PARTIAL PAYMENTS.

It is not necessary that partial payments be recorded in any public office as mortgages are, nor does the debtor lose all benefit of his partial payments by an after-default, unless it be so stipulated in the original contract.

CANCELLATIONS.

The usual form for canceling here is to indorse on the mortgage that it has been satisfied, which indorsement should be, but is not always, written across the face of the mortgage copied in the register's book. This indorsement, with the receipt given on payment, is the usual mode of cancellations.

UNITED STATES CONSULATE-GENERAL,

Monrovia, July 3, 1889.

MADAGASCAR.

REPORT BY CONSUL CAMPBELL, OF TAMATAVE.

RECORDED INDEBTEDNESS.

There is no regular system of recording any transactions such as above mentioned, nor, indeed, any others in use in this country; that is, there are no regular recording officers or bureaus belonging to the Government at which such transactions are recorded. Any business of this nature taking place between the foreign residents of Madagascar is generally recorded at the consulates of their respective nationalities. Mortgages upon real estate in Madagascar are of rare occurrence, inasmuch as the laws of the country forbid the sale of land. This prohibition is confirmed by the different treaties. When such a transaction occurs it is merely a transfer of the lease. If such transfers take place between a foreign resident and a Malagassy subject, it is customary for the Malagos to inform the local governor and the foreigner registers the transfer at his consulate.

LIENS.

I am not aware that there are any loans made upon the Malagassy leases mentioned above; if so, they are very inconsiderable. I understand from a private source that the agency here of the Comptoir d'Escompte de Paris has lately made a loan upon the crop of one sugar plantation of a few thousand dollars, but so far as I can ascertain this is the only instance.

As the other questions of the circular all refer to mortgages and their manner of redemption and recording, it will be perceived that the answer to the first question will comprise nearly all the information asked in the other questions.

The natives of the country do not understand such business, and rather have a fear of banks and monetary institutions. If they have any surplus cash they prefer to bury it, and if they build a house they hardly ever finish it. There are reasons for this; according to the laws of Madagascar, from time immemorial, all rights of property of every description belong to the Queen. The manager of the Comptoir d'Escompte de Paris, at the capital, told me when I was there that he was striving to get the wealthy Hovas to deposit their money in the banks, but they generally refused to do so, giving

as their reason that then the prime minister and Queen would find out what amount of money they had on hand and take it away from them. So, likewise, when they build a house they scarcely ever finish it, for if they do in all probability the Queen will appropriate it for her own use. Thus in the capital you will see a city of half-finished houses, which to the stranger appears very curious until he is informed of the reason.

JOHN P. CAMPBELL,
Consul.

UNITED STATES CONSULATE,
Tamatave, October 26, 1889.

MOROCCO.

REPORT BY CONSUL LEWIS, OF TANGIER.

RECORDED INDEBTEDNESS.

Documents are made by native adools, or notaries, but no record is kept; creditor retains documents as security.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is unknown.

Mortgages do not complicate or embarrass the transfer of land titles.

LIENS.

Liens are placed on personal property, including crops, and property is liable to seizure.

INTEREST.

The prevailing rate of interest on mortgage paper, as well as judgments, is from 7 to 70 per cent.

FORECLOSURES.

Mortgages are foreclosed by action at law or by sale under power, and at small expense.

PARTIAL PAYMENTS.

Partial payments on mortgages must be recorded on document. The debtor does not lose all benefit if he default in part.

CANCELLATIONS.

The ordinary form of canceling is withdrawal of mortgage on payment of debt.

WM. REED LEWIS,
Consul.

UNITED STATES CONSULATE,
Tangier, September 18, 1889.

PORTUGUESE AFRICA.

ANGOLA.

REPORT BY CONSUL NEWTON, OF ST. PAUL DE LOANDA.

RECORDED INDEBTEDNESS.

Property is defined in two parts—movable and immovable, the latter including vessels, shares, etc. The guaranty of any debt on the first is called *penhora*, or lien, on the second is called mortgage. The lien is commercial or civil. For a commercial lien the creditor has the privilege over the objects given as security, in preference to any other creditor, for the payment of the debt, as in a commercial lien the object liened may not be handed over. The contract is registered in the public register of commerce for the knowledge of all people. A civil lien is not registered, but, as this is only effected by depositing the object liened with the creditor, the creditor holds the guaranty in his own hands.

All mortgages are obliged to be registered to have effect, and on this account there is a special department called the conservatorio, where a full description of the property is given, the names of owners, the buyings, sellings, mortgages, liens, writs on the said property—in fact, a full description of the history of the property.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property can not be well given, as there is a great disproportion between rents and values.

All mortgages are obliged to be registered.

The mortgage, when not dissolved or canceled, always accompanies the property; all this can be sold, given, or willed. Having registered a mortgage against a property, the property responds for the same. In a registered mortgage the debtor represents the property and not the owner.

The property guaranties the debt for its value whether it increases or diminishes in value. The creditor has the right, if the property diminishes in value, to demand an additional guaranty of the debtor or foreclose at once. The debtor has also the right, if the property has increased in value, to reduce the mortgaged property in proportion to such increased value.

UNRECORDED INDEBTEDNESS.

It is not possible to arrive at a probable proportion of existing recorded and unrecorded indebtedness, as there is no general register of property.

LIENS.

Liens on personal property and crops do not really exist. However, certain privileges exist. The person who advances money against a crop for expenses of same has the privilege of being paid in preference to any other

creditor by the same crop. There are privileges on the product of the machinery for money lent against same and privileges on the insurance premiums for the value of the articles insured, etc.

INTEREST.

The rate of interest is optional. In the case of the rate not being mentioned the interest for civil cases is 5 per cent. and commercial 6 per cent.

FORECLOSURES.

A registered mortgage has a special rapid action. A writ is issued against the holder of the property (not the original owner, but the person in possession) to make payment in ten days. Not being paid, the property is seized and sold. The debtor can put an embargo on the execution, but this only in special cases. The expenses of an execution are about \$33 to \$35. The expenses of the lawyer depend on private arrangements, and are generally heavy. It can also be mentioned in the mortgage document for the creditors to have the right of selling at the end of any certain time mentioned, but this must be specially mentioned in the deed. It must also be noted that no contract on immovable property is valid unless with the consent and signature of the wife of the owner of the property.

PARTIAL PAYMENTS.

The provisions made for partial payments on mortgages, obligations, or judgments depend on the agreement and the title-deeds. The debtor can cancel the debt in one payment or in partial payments if the creditor consent to same. It is not necessary to register partial payments.

CANCELLATIONS.

To cancel it is necessary to present at the conservatorio where the mortgage is registered a document of acquittance or receipt, and only on producing this can it be canceled. It can also be canceled if the creditor renounces the debt.

ROBT. S. NEWTON,
Consul.

UNITED STATES CONSULATE,
St. Paul de Loanda, August 15, 1889.

MADEIRA.

REPORT BY CONSUL JONES, OF FUNCHAL.

RECORDED INDEBTEDNESS.

There are registry offices for registration of mortgages on real property. There is no system of registration for debts affecting personal property, except as regards merchandise and mercantile effects when securing payment of commercial debts, for which there is a special register attached to the commercial court of Funchal.

All mortgages must be recorded.

Mortgages do not, as a rule, complicate or embarrass the transfer of land titles. The purchaser of mortgaged property pays the balance of the purchase money after the deduction of the debt.

LIENS.

Personal property generally is subject to execution of judgment, with few exceptions.

I can not answer as to the probable ratio mortgages and judgments bear to total valuation of taxable and assessed property.

It is impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

FORECLOSURES.

Mortgages are foreclosed by action at law and by sale of the property by auction. Expenses vary with each case; I can not give an average.

PARTIAL PAYMENTS.

Partial payments are not allowed unless specially stipulated, in which case default in payment of one installment gives the creditor the right to demand full payment. Partial payments are not recorded; the receipts given by the creditor are the evidences required.

CANCELLATIONS.

The parties apply to the register and produce either an order from the judge or a document showing that the creditor frees the property from the charge.

T. C. JONES,
Consul.

UNITED STATES CONSULATE,
Funchal, June 12, 1889.

ZANZIBAR.

REPORT BY CONSUL PRATT.

RECORDED INDEBTEDNESS.

A very loose system prevails in this country, and it is only the larger mortgages that are brought before the Sultan for his signature. They are usually recorded, but in a very careless manner.

The probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property is 40 per cent.

Mortgages need not be recorded, but the recording carries with it power of sale.

Mortgages do not complicate or embarrass the transfer of land titles to any great extent.

Recorded indebtedness, in proportion to estimated values, appears to be increasing.

UNRECORDED INDEBTEDNESS.

It is impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

LIENS.

Advances are frequently made on property, and in the case of crops it is understood that the crops shall be consigned to the money-lender to be sold by him on commission. Such business is purely of a private character, and is not recorded, neither is the property subject to execution by judgment.

INTEREST.

The prevailing rate of interest on mortgage paper, as well as judgments, is 12 to 15 per cent., but, as Mohammedan law prohibits the collection or payment of interest, the amount of interest is usually added to the sum advanced, and the mortgage is made out for the full amount.

FORECLOSURES.

Mortgages are foreclosed by sale under power at an expense of $2\frac{1}{2}$ per cent.

PARTIAL PAYMENTS.

Partial payments may be made at any time without being recorded (an entry on the mortgage deed is considered sufficient), and the debtor benefits by such payment even if he default in part.

CANCELLATIONS.

The ordinary form for canceling is by return of mortgage deed to debtor. Such release is not usually recorded, and, in consequence, the loss of the deed at any time by the mortgagee forfeits his claim to the estate.

SETH A. PRATT,
Consul.

UNITED STATES CONSULATE,
Zanzibar, September 2, 1889.

POLYNESIA.

FIJI ISLANDS.

REPORT BY CONSUL ST. JOHN, OF LEVUKA.

RECORDED INDEBTEDNESS.

Mortgages on real estate are registered under the real property ordinance of 1876 in the office of the register of titles and recorded on the Crown grant or certificate of title, as the case may be. Bills of sale or mortgages over chattel property are recorded in the office of the registrar-general (*vide* ordinance No. 8 of 1879, and No. 9 of 1879). Judgments, decreed or confessed, are recorded in the supreme court and in the courts of summary jurisdiction up to £50, and at the expiration of fourteen days execution may issue against the goods and chattels of the judgment debtor, and upon a special order of the supreme court the debtor's lands may also be sold to satisfy the judgment.

LIENS.

All liens over growing crops made under the crops liens ordinance No. 4, of 1881, and registered, are protected from seizure by the mortgagee of the land or under judgment of the court. Every lienor who disposes of any crop or part of a crop over which there is a registered lien, without the consent in writing of the lienec, is liable on conviction to a penalty not exceeding three times the amount of loss sustained, or to imprisonment, with or without hard labor, not exceeding three years. All liens must be renewed every three months.

I am unable to give the probable ratio which mortgages and judgments bear to total valuation of taxable and assessed property. All mortgages must be recorded.

INTEREST.

The interest on judgments of the court is 8 per cent. per annum; on mortgages on real and personal property, 10 per cent. per annum.

Mortgages do not in the least complicate the transfer of land titles, as every transaction affecting land has to be recorded in the registrar of titles' office; even leases or agreements for leases, if over one year, must be registered in like manner.

FORECLOSURES.

Mortgages over real estate are foreclosed by an order of sale by the supreme court upon proof of the facts by the mortgagee entitling him to the order, after notice to the mortgageor calling upon him to show cause has

been given or handed him. The expenses vary according to the amount of mortgage debt. Recorded indebtedness is increasing.

PARTIAL PAYMENTS.

In case of judgments, unless payment by installments is ordered by the court, no part payment is allowed. In case of mortgage it is not obligatory to record a part payment, except for the protection of the mortgageor, in which case he would not suffer by a sale of the property.

CANCELLATIONS.

In the case of a mortgage over personal chattels there must be an entry of satisfaction signed by the mortgagee that all the principal and interest have been paid, which is presented and registered with the registrar and indorsed by him on the office copy, whereupon the bill of sale or mortgage is discharged. Mortgages on real estate are discharged by presenting to the registrar of titles a registered copy of the mortgage bearing on the face an acknowledgment by the mortgagee that all moneys and interest thereunder have been paid and satisfied. This is recorded, and an entry on the certificate of title is made discharging the said mortgage.

ANDREWS A. ST. JOHN,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Levuka, July 16, 1889.

HAWAIIAN ISLANDS.

REPORT BY CONSUL-GENERAL SEVERANCE, OF HONOLULU.

RECORDED INDEBTEDNESS.

Mortgages on real and chattel property to secure indebtedness must be recorded in the office of the registrar of conveyances of the Hawaiian Islands. Liens and judgments, both decreed and confessed, prevail in this Kingdom, and are matters of judicial record, except some descriptions of liens which are not judicial, *i. e.*, such as are matters of contract, agreement, or deed *inter partes*, and they should be recorded in the office of the registrar of conveyances.

It is impossible to secure correct information concerning the probable ratio mortgages and judgments bear to total valuation of taxable and assessed property.

All mortgages of chattel property and powers of attorney for the transfer of real estate within this Kingdom shall, in order to their validity, be recorded in the office of the registrar of conveyances, in default of which no such instrument shall be binding to the detriment of third parties, or conclusive upon their rights and interests.

The first mortgage has priority over all subsequent transfers of the land mortgaged, and for that reason might complicate, embarrass, or prevent a subsequent transfer, but any subsequent transfer, mortgage, or sale of the mortgaged property would be valid, subject to the prior mortgage.

There is no way in which an estimate can be formed as to whether recorded indebtedness is increasing or diminishing in proportion to estimated values.

UNRECORDED INDEBTEDNESS.

It is impossible to arrive at a probable proportion of existing recorded and unrecorded indebtedness.

LIENS.

Liens may be placed on personal property, including crops, either by preference or confession of judgment, and such liens take effect from the time they are duly recorded in the registrar's office, or in court, as the case may be, and have priority over all subsequent liens, judgments, decrees, and conveyances.

Exemptions from execution are as follows (section 1035 civil code, Hawaiian Islands):

The following property, when owned by any person being a housekeeper and having a family, shall be exempt from levy and sale on execution:

The family Bible, family pictures, and school books; two swine or six goats, and all necessary fish, meat, flour, and vegetables, not to include kalo or any plant still growing or ungathered; all necessary wearing apparel, mats, beds, bedsteads, and bedding for such person and his family, one poi board, one poi beater, two calabashes, one oo, one table, six chairs, six knives and forks, six plates, six tea-cups and saucers, one sugar dish, one milk-pot, one tea-pot, one coffee-pot, and six spoons; the tools and implements of one mechanic necessary for carrying on his trade or business, not exceeding \$50 in value; the uniform of any officer or private belonging to any of the military forces of the Kingdom, and his arms and accouterments.

INTEREST.

Nine per cent. per annum is the legal rate of interest, that is, the legal rate of interest on judgments, but written agreements for interest not to exceed $2\frac{1}{2}$ per cent. per month are legal. Interest on bottomry bonds and maritime risks, rate not fixed by law. Compound interest not recoverable by law.

FORECLOSURES.

A mortgage that makes no provision for foreclosure or sale may be foreclosed according to statute. A mortgage may be made so as to enable the mortgagee to sell, and the terms of such sale may be set forth in the mortgage. It is impossible to estimate the expense of any foreclosure. A statutory foreclosure would involve the expense of a lawyer, court, clerk of court, marshal, auctioneer, printing, and commission of the mortgagee in selling, etc.; and these things would cost about what they do in the United States generally. If the mortgagee should be authorized to sell, and should do so, the expense would depend somewhat upon the terms of the mortgage.

PARTIAL PAYMENTS.

Provisions are sometimes made in mortgages and obligations for partial payments, and judgments are sometimes rendered upon terms agreed upon by the parties. Partial payments need not be recorded, unless there is some agreement to that effect or something in the case to make it necessary; and the debtor does not lose any benefit if he make default in part, unless there is an agreement to that effect.

CANCELLATIONS.

Mortgages and deeds of trust may be canceled by deed of release and quitclaim by the mortgagee or trustee.

H. W. SEVERANCE,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Honolulu, August 24, 1889.

GILBERT ISLANDS.

REPORT BY COMMERCIAL AGENT RICH, OF BUTARITARI.

RECORDED INDEBTEDNESS.

Debts are secured in this district solely by mortgages on crops.

The probable ratio which mortgages bear to total valuation is nearly one-half. About \$16,000 of debts are thus secured on crops, and the annual product of this island of Butaritari is perhaps \$35,000. The product of the other islands in this district is about \$80,000.

Mortgages do not complicate or embarrass the transfer of land titles. I have under my eye at present a case of excambion of land between natives, where the new proprietor is still discharging the debt of the old.

Recorded indebtedness is decreasing in proportion to estimated values.

UNRECORDED INDEBTEDNESS.

I should say that nineteen-twentieths of the total indebtedness of this island is secured, as before stated, upon crops. This estimate is based upon the books of the merchants.

LIENS.

In the case of an indebted native who delays to pay, the creditor goes before the King, the debtor is summoned; he usually admits the debt, but, should he deny, the merchant's books are held sufficient evidence, and the King, without further process, assigns to the creditor a mortgage on the crops upon the debtor's property for as long as necessary to cover the debt and pay about 10 per cent. per annum. These decrees are absolute, never resisted, and continue to be faithfully discharged by heirs and successors. Process costs nothing. Debts thus recorded are often sold at a premium.

As will readily be inferred from the foregoing, the questions relating to the recording and canceling, foreclosures, and partial payments, as understood in the United States, do not apply in these islands.

ADOLF RICH,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Butaritari, August 20, 1889.

NEW CALEDONIA.

REPORT BY COMMERCIAL AGENT MORGAN, OF NOUMÉA.

RECORDED INDEBTEDNESS.

All obligations are registered in the registration office. To conserve a mortgage over real property an inscription is taken out in a separate office set apart for the purpose and called the office for the conservation of mortgages. All mortgages must be registered in the place wherein is situated the real property over which the mortgage is given. Chattels and a standing crop can not be mortgaged. Cattle to be given in security must be taken possession of. Mortgages may be given over ships.

Advances do not usually exceed two-thirds of the estimated value. A judgment for recovery on mortgage extends over all real property, and may be enforced in France or any French colony conditionally that the judgment is inscribed in the office for the conservation of mortgages.

All mortgages must be recorded.

UNRECORDED INDEBTEDNESS.

On demand the registrar of mortgages is bound to give in writing, and under signataure, a statement of every registered mortgage. All recorded debits can be seen at the registry office. It is not possible to arrive at a proportion of unrecorded and recorded debits.

LIENS.

The law holds that creditors are secured over every thing, excepting a working-man's tools, the clothes he stands in, and one bed. A standing crop follows the mortgage that may exist on the land, but when collected it may be given in gage, or lien. All is subject to execution of judgment.

INTEREST.

The prevailing interest on mortgage paper, as well as judgments, is 12 per cent.

Mortgages do not complicate or embarrass the transfer of land titles.

FORECLOSURES.

Mortgages are foreclosed by action at law; the expenses are about 10 per cent., and are supported by the purchaser.

PARTIAL PAYMENTS.

Partial payments can be made by judgment or mutual agreement, and all payments must be recorded. Should a property on being sold realize more than balance due on mortgage, the difference goes back to mortgagee.

CANCELLATIONS.

The ordinary form for canceling is by judgment or by act passed before a public notary and registered in the office for the conservation of mortgages.

WM. E. MORGAN,
Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
Nouméa, July 23, 1889.

APPENDIX.

THE UNITED KINGDOM.

The following publications were transmitted by Consul Wigfall, of Leeds, as inclosures to his report on recorded indebtedness:

- (1) Conveyancing and law of property act, 1881.
- (2) Conveyancing and law of property act, 1882.
- (3) Bills of sale act, 1878.
- (4) Bills of sale act, 1878—amendment.
- (5) Rules of the supreme court and order as to court fees, 1882.
- (6) Yorkshire registries act, 1884.
- (7) Yorkshire registries act, rules, 1884.

CONVEYANCING AND LAW OF PROPERTY ACT, 1881.

CHAPTER 41.

An act for simplifying and improving the practice of conveyancing; and for vesting in trustees, mortgagees, and other various powers commonly conferred by provisions inserted in settlements, mortgages, wills, and other instruments; and for amending in various particulars the law of property; and for other purposes. (August 22, 1881.)

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I.—PRELIMINARY.

- 1.—(1) This act may be cited as the conveyancing and law of property act, 1881.
- (2) This act shall commence and take effect from and immediately after the 31st day of December, 1881.
- (3) This act does not extend to Scotland.
- 2.—In this act—
 - (1) Property, unless a contrary intention appears, includes real and personal property, and any estate or interest in any property, real or personal, and any debt, and any thing in action, and any other right or interest.
 - (2) Land, unless a contrary intention appears, includes land of any tenure, and tenements and hereditaments, corporeal or incorporeal, and houses and other buildings; also an undivided share in land.
 - (3) In relation to land, income includes rents and profits, and possession includes receipt of income.
 - (4) Manor includes lordship, and reputed manor or lordship.
 - (5) Conveyance, unless a contrary intention appears, includes assignment, appointment, lease, settlement, and other assurance, and covenant to surrender, made by deed, on a sale,

mortgage, demise, or settlement of any property, or on any other dealing with or for any property; and convey, unless a contrary intention appears, has a meaning corresponding with that of conveyance.

(6) Mortgage includes any charge on any property for securing money or money's worth; and mortgage money means money, or money's worth, secured by a mortgage; and mortgageor includes any person from time to time deriving title under the original mortgageor, or entitled to redeem a mortgage, according to his estate, interest, or right in the mortgaged property; and mortgagee includes any person from time to time deriving title under the original mortgagee; and mortgagee in possession is, for the purposes of this act, a mortgagee who, in right of the mortgage, has entered into and is in possession of the mortgaged property.

(7) Encumbrance includes a mortgage in fee, or for a less estate, and a trust for securing money, and a lien, and a charge of a portion, annuity, or other capital or annual sum; and encumbrancer has a meaning corresponding with that of encumbrance, and includes every person entitled to the benefit of an encumbrance, or to require payment or discharge thereof.

(8) Purchaser, unless a contrary intention appears, includes a lessee or mortgagee, and an intending purchaser, lessee, or mortgagee, or other person who, for valuable consideration, takes or deals for any property; and purchase, unless a contrary intention appears, has a meaning corresponding with that of purchaser; but sale means only a sale properly so called.

(9) Rent includes yearly or other rent, toll, duty, royalty, or other reservation by the acre, the ton, or otherwise; and fine includes premium or fore-gift, and any payment, consideration, or benefit in the nature of a fine, premium, or fore-gift.

(10) Building purposes include the erecting and the improving of, and the adding to, and the repairing of, buildings; and a building lease is a lease for building purposes or purposes connected therewith.

(11) A mining lease is a lease for mining purposes, that is, the searching for, winning, working, getting, making merchantable, carrying away, or disposing of mines and minerals, or purposes connected therewith, and includes a grant or license for mining purposes.

(12) Will includes codicil.

(13) Instrument includes deed, will, inclosure award, and act of Parliament.

(14) Securities include stocks, funds, and shares.

(15) Bankruptcy includes liquidation by arrangement, and any other act or proceeding in law having, under any act for the time being in force, effects or results similar to those of bankruptcy; and bankrupt has a meaning corresponding with that of bankruptcy.

(16) Writing includes print; and words referring to any instrument, copy, extract, abstract, or other document include any such instrument, copy, extract, abstract, or other document being in writing or in print, or partly in writing and partly in print.

(17) Person includes a corporation.

(18) Her Majesty's high court of justice is referred to as the court.

II.—SALES AND OTHER TRANSACTIONS.

Contracts for sale.

3.—(1) Under a contract to sell and assign a term of years derived out of a leasehold interest in land, the intended assign shall not have the right to call for the title to the leasehold reversion.

(2) Where land of copy-hold or customary tenure has been converted into freehold by enfranchisement, then, under a contract to sell and convey the freehold, the purchaser shall not have the right to call for the title to make the enfranchisement.

(3) A purchaser of any property shall not require the production, or any abstract or copy, of any deed, will, or other document, dated or made before the time prescribed by law, or stipulated, for commencement of the title, even though the same creates a power subsequently exercised by an instrument abstracted in the abstract furnished to the purchaser; nor shall he require any information, or make any requisition, objection, or inquiry, with respect to any such deed,

will, or document, or the title prior to that time, notwithstanding that any such deed, will, or other document, or that prior title is recited, covenanted to be produced or noticed; and he shall assume, unless the contrary appears, that the recitals, contained in the abstracted instruments, of any deed, will, or other document, forming part of that prior title, are correct, and give all the material contents of the deed, will, or other documents so recited, and that every document so recited was duly executed by all necessary parties, and perfected, if and as required, by fine, recovery, acknowledgment, enrollment, or otherwise.

(4) Where land sold is held by lease (not including under-lease), the purchaser shall assume, unless the contrary appears, that the lease was duly granted; and, on production of the receipt for the last payment due for rent under the lease before the date of actual completion of the purchase, he shall assume, unless the contrary appears, that all the covenants and provisions of the lease have been duly performed and observed up to the date of actual completion of the purchase.

(5) Where land sold is held by under-lease, the purchaser shall assume, unless the contrary appears, that the under-lease and every superior lease were duly granted; and, on production of the receipt for the last payment due for rent under the under-lease before the date of actual completion of the purchase, he shall assume, unless the contrary appears, that all the covenants and provisions of the under-lease have been duly performed and observed up to the date of actual completion of the purchase, and further, that all rent due under every superior lease, and all the covenants and provisions of every superior lease, have been paid and duly performed and observed up to that date.

(6) On a sale of any property the expenses of the production and inspection of all acts of Parliament, inclosure awards, records, proceedings of courts, court rolls, deeds, wills, probates, letters of administration, and other documents not in the vendor's possession, and the expenses of all journeys incidental to such production or inspection, and the expenses of searching for, procuring, making, verifying, and producing all certificates, declarations, evidences, and information not in the vendor's possession, and all attested, stamped, office, or other copies or abstracts of, or extracts from, any acts of Parliament or other documents aforesaid, not in the vendor's possession, if any such production, inspection, journey, search, procuring, making, or verifying is required by a purchaser, either for verification of the abstract or for any other purpose, shall be borne by the purchaser who requires the same; and where the vendor retains possession of any document, the expenses of making any copy thereof, attested or unattested, which a purchaser requires to be delivered to him, shall be borne by that purchaser.

(7) On a sale of any property in lots, a purchaser of two or more lots, held wholly or partly under the same title, shall not have a right to more than one abstract of the common title, except at his own expense.

(8) This section applies only to titles and purchasers on sales properly so called, notwithstanding any interpretation in this act.

(9) This section applies only if and as far as a contrary intention is not expressed in the contract of sale, and shall have effect subject to the terms of the contract and to the provisions therein contained.

(10) This section applies only to sales made after the commencement of this act.

(11) Nothing in this section shall be construed as binding a purchaser to complete his purchase in any case where, on a contract made independently of this section, and containing stipulations similar to the provisions of this section, or any of them, specific performance of the contract would not be enforced against him by the court.

4.—(1) Where at the death of any person there is subsisting a contract enforceable against his heir or devisee, for the sale of the fee simple or other freehold interest, descendible to his heirs general, in any land, his personal representatives shall, by virtue of this act, have power to convey the land for all the estate and interest vested in him at his death, in any manner proper for giving effect to the contract.

(2) A conveyance made under this section shall not affect the beneficial rights on any person claiming under any testamentary disposition or as heir or next of kin of a testator or intestate.

(3) This section applies only in cases of death after the commencement of this act.

Discharge of encumbrances on sale.

5.—(1) Where land subject to any encumbrance, whether immediately payable or not, is sold by the court, or out of the court, the court may, if it thinks fit, on the application of any party to the sale, direct or allow payment into court, in case of an annual sum charged on the land, or of a capital sum charged on a determinable interest in the land, of such amount as, when invested in Government securities, the court considers will be sufficient, by means of the dividends thereof, to keep down or otherwise provide for that charge, and in any other case of capital money charged on the land, of the amount sufficient to meet the encumbrance and any interest due thereon; but in either case there shall also be paid into court such additional amount as the court considers will be sufficient to meet the contingency of further costs, expenses, and interest, and any other contingency, except depreciation of investments, not exceeding one-tenth part of the original amount to be paid in, unless the court for special reason thinks fit to require a larger additional amount.

(2) Thereupon, the court may, if it thinks fit, and either after or without any notice to the encumbrancer, as the court thinks fit, declare the land to be freed from the encumbrance, and make any order for conveyance, or vesting order, proper for giving effect to the sale, and give directions for the retention and investment of the money in court.

(3) After notice served on the persons interested in or entitled to the money or fund in court, the court may direct payment or transfer thereof to the persons entitled to receive or give a discharge for the same, and generally may give directions respecting the application or distribution of the capital or income thereof.

(4) This section applies to sales not completed at the commencement of this act, and to sales thereafter made.

General words.

6.—(1) A conveyance of land shall be deemed to include and shall by virtue of this act operate to convey, with the land, all buildings, erections, fixtures, commons, hedges, ditches, fences, ways, waters, water-courses, liberties, privileges, easements, rights, and advantages whatsoever appertaining or reputed to appertain to the land, or any part thereof, or at the time of conveyance demised, occupied, or enjoyed with or reputed or known as part or parcel of or appurtenant to the land or any part thereof.

(2) A conveyance of land, having houses or other buildings thereon, shall be deemed to include and shall by virtue of this act operate to convey, with the land, houses, or other buildings, all outhouses, erections, fixtures, cellars, areas, courts, court-yards, cisterns, sewers, gutters, drains, ways, passages, lights, water-courses, liberties, privileges, easements, rights, and advantages whatsoever appertaining or reputed to appertain to the land, houses, or other buildings conveyed, or any of them, or any part thereof, or at the time of conveyance demised, occupied, or enjoyed with or reputed or known as part or parcel of or appurtenant to the land, houses, or other buildings conveyed, or any of them, or any part thereof.

(3) A conveyance of a manor shall be deemed to include and shall by virtue of this act operate to convey with the manor all pastures, feedings, wastes, warrens, commons, mines, minerals, quarries, furzes, trees, woods, underwoods, coppices, and the ground and soil thereof, fisheries, fishings, fowlings, courts-leet, courts-baron, and other courts, view of frankpledge and all that to view of frankpledge doth belong, mills, mulctures, customs, tolls, duties, reliefs, heriots, fines, sums of money, amercements, waifs, estrays, chief-rents, quitrents, rents-charge, rents seck, rents of assize, fee farm rents, services, royalties, jurisdictions, franchises, liberties, privileges, easements, profits, advantages, rights, emoluments, and hereditaments whatsoever.

to the manor appertaining or reputed to appertain, or at the time of conveyance demised, occupied, or enjoyed with the same, or reputed or known as part, parcel, or member thereof.

(4) This section applies only if and as far as a contrary intention is not expressed in the conveyance, and shall have effect subject to the terms of the conveyance and to the provisions therein contained.

(5) This section shall not be construed as giving to any person a better title to any property, right, or thing in this section mentioned than the title which the conveyance gives to him to the land or manor expressed to be conveyed, or as conveying to him any property, right, or thing in this section mentioned, further or otherwise than as the same could have been conveyed to him by the conveying parties.

(6) This section applies only to conveyances made after the commencement of this act.

Covenants for title.

7.—(1) In a conveyance there shall, in the several cases in this section mentioned, be deemed to be included, and there shall in those several cases, by virtue of this act, be implied, a covenant to the effect in this section stated, by the person or by each person who conveys, as far as regards the subject-matter or share of subject-matter expressed to be conveyed by him, with the person, if one, to whom the conveyance is made, or with the persons jointly, if more than one, to whom the conveyance is made as joint-tenants, or with each of the persons, if more than one, to whom the conveyance is made as tenants in common, that is to say:

(a) In a conveyance for a valuable consideration, other than a mortgage, the following covenant by a person who conveys and is expressed to convey as beneficial owner, namely:

That, notwithstanding any thing by the person who so conveys or any one through whom he derives title, otherwise than by purchase for value, made, done, executed, or omitted, or knowingly suffered, the person who so conveys, has, with the concurrence of every other person, if any, conveying by his direction, full power to convey the subject-matter expressed to be conveyed, subject as, if so expressed, and in the manner in which, it is expressed to be conveyed, and that, notwithstanding any thing as aforesaid, that subject-matter shall remain to and be quietly entered upon, received, and held, occupied, enjoyed, and taken, by the person to whom the conveyance is expressed to be made, and any person deriving title under him, and the benefit thereof shall be received and taken accordingly, without any lawful interruption or disturbance by the person who so conveys or any person conveying by his direction, or rightfully claiming or to claim by, through, under, or in trust for the person who so conveys, or any person conveying by his direction, or by, through, or under any one not being a person claiming in respect of an estate or interest subject whereto the conveyance is expressly made, through whom the person who so conveys derives title, otherwise than by purchase for value; and that, freed and discharged from, or otherwise by the person who so conveys sufficiently indemnified against, all such estates, encumbrances, claims, and demands other than those subject to which the conveyance is expressly made, as either before or after the date of the conveyance have been or shall be made, occasioned, or suffered by that person or by any person conveying by his direction, or by any person rightfully claiming by, through, under, or in trust for the person who so conveys, or by, through, or under any person conveying by his direction, or by, through, or under any one through whom the person who so conveys, derives title, otherwise than by purchase for value; and further, that the person who so conveys, and any person conveying by his direction, and every other person having or rightfully claiming any estate or interest in the subject-matter of conveyance, other than an estate or interest subject whereto the conveyance is expressly made, by, through, under, or in trust for the person who so conveys, or by, through, or under any person conveying by his direction, or by, through, or under any one through whom the person who so conveys derives title, otherwise than by purchase for value, will, from time to time and at all times after the date of the conveyance, on the request and at the cost of any person to whom the conveyance is expressed to be made, or of any person deriving title under him, execute and do all such lawful assurances

and things for further or more perfectly assuring the subject-matter of the conveyance to the person to whom the conveyance is made, and to those deriving title under him, subject as, if so expressed, and in the manner in which the conveyance is expressed to be made, as by him or them or any of them shall be reasonably required (in which covenant a purchase for value shall not be deemed to include a conveyance in consideration of marriage).

(b) In a conveyance of leasehold property for valuable consideration, other than a mortgage, the following further covenant by a person who conveys and is expressed to convey as beneficial owner, namely:

That, notwithstanding any thing by the person who so conveys, or any one through whom he derives title otherwise than by purchase for value, made, done, executed, or omitted, or knowingly suffered, the lease or grant creating the term or estate for which the land is conveyed is, at the time of conveyance, a good, valid, and effectual lease or grant of the property conveyed, and is in full force, unforfeited, unsurrendered, and in nowise become void or voidable, and that, notwithstanding any thing as aforesaid, all the rents reserved by, and all the covenants, conditions, and agreements contained in, the lease or grant, and on the part of the lessee or grantee and the persons deriving title under him to be paid, observed, and performed, have been paid, observed, and performed up to the time of conveyance (in which covenant a purchase for value shall not be deemed to include a conveyance in consideration of marriage).

(c) In a conveyance by way of mortgage, the following covenant by a person who conveys and is expressed to convey as beneficial owner, namely:

That the person who so conveys, has, with the concurrence of every other person, if any, conveying by his direction, full power to convey the subject-matter expressed to be conveyed by him, subject as, if so expressed, and in the manner in which it is expressed to be conveyed; and also that, if default is made in payment of the money intended to be secured by the conveyance, or any interest thereon, or any part of that money or interest, contrary to any provision in the conveyance, it shall be lawful for the person to whom the conveyance is expressed to be made, and the persons deriving title under him, to enter into and upon, or receive, and henceforth quietly hold, occupy, and enjoy or take and have, the subject-matter expressed to be conveyed, or any part thereof, without any lawful interruption or disturbance by the person who so conveys, or any person conveying by his direction, or any other person not being a person claiming in respect of an estate or interest subject whereto the conveyance is expressly made; and that, freed and discharged from, or otherwise by the person who so conveys sufficiently indemnified against, all estates, encumbrances, claims, and demands whatever, other than those subject whereto the conveyance is expressly made; and further, that the person who so conveys and every person conveying by his direction, and every person deriving title under any of them, and every other person having or rightfully claiming any estate or interest in the subject-matter of conveyance, or any part thereof, other than an estate or interest subject whereto the conveyance is expressly made, will from time to time and at all times, on the request of any person to whom the conveyance is expressed to be made, or of any person deriving title under him, but as long as any right of redemption exists under the conveyance, at the cost of the person so conveying, or of those deriving title under him, and afterwards at the cost of the person making the request, execute and do all such lawful assurances and things for further or more perfectly assuring the subject-matter of conveyance and every part thereof to the person to whom the conveyance is made, and to those deriving title under him, subject as, if so expressed, and in the manner in which the conveyance is expressed to be made, as by him or them or any of them shall be reasonably required.

(d) In a conveyance by way of mortgage of leasehold property, the following further covenant by a person who conveys and is expressed to convey as beneficial owner, namely:

That the lease or grant creating the term or estate for which the land is held is, at the time of conveyance, a good, valid, and effectual lease or grant of the land conveyed and is in full force, unforfeited, and unsurrendered and in nowise become void or voidable, and that all the rents reserved by, and all the covenants, conditions, and agreements contained in, the lease or grant, and on the part of the lessee or grantee and the persons deriving title under him to

be paid, observed, and performed, have been paid, observed, and performed up to the time of conveyance; and also that the person so conveying, or the persons deriving title under him, will at all times, as long as any money remains on the security of the conveyance, pay, observe, and perform, or cause to be paid, observed, and performed all the rents reserved by, and all the covenants, conditions, and agreements contained in, the lease or grant, and on the part of the lessee or grantee and the persons deriving title under him to be paid, observed, and performed, and will keep the person to whom the conveyance is made, and those deriving title under him, indemnified against all actions, proceedings, costs, charges, damages, claims, and demands, if any, to be incurred or sustained by him or them by reason of the non-payment of such rent or the non-observance or non-performance of such covenants, conditions, and agreements, or any of them.

(e) In a conveyance by way of settlement, the following covenant by a person who conveys and is expressed to convey as settler, namely :

That the person so conveying, and every person deriving title under him by deed or act or operation of law in his life-time subsequent to that conveyance, or by testamentary disposition or devolution in law, on his death will, from time to time, and at all times after the date of that conveyance, at the request and cost of any person deriving title thereunder, execute and do all such lawful assurances and things for further or more perfectly assuring the subject-matter of the conveyance to the persons to whom the conveyance is made and those deriving title under them, subject as, if so expressed, and in the manner in which the conveyance is expressed to be made, as by them or any of them shall be reasonably required.

(f) In any conveyance the following covenant by every person who conveys and is expressed to convey as trustee or mortgagee, or as personal representative of a deceased person, or as committee of a lunatic so found by inquisition, or under an order of the court, which covenant shall be deemed to extend to every such person's own acts only, namely :

That the person so conveying has not executed or done, or knowingly suffered, or been party or privy to any deed or thing whereby or by means whereof the subject-matter of the conveyance or any part thereof is or may be impeached, charged, affected, or encumbered in title, estate, or otherwise, or whereby or by means whereof the person who so conveys is in anywise hindered from conveying the subject-matter of the conveyance or any part thereof in the manner in which it is expressed to be conveyed.

(2) Where in a conveyance it is expressed that by direction of a person expressed to direct as beneficial owner another person conveys, then, within this section, the person giving the direction, whether he conveys and is expressed to convey as beneficial owner or not, shall be deemed to convey and to be expressed to convey as beneficial owner the subject-matter so conveyed by his direction, and a covenant on his part shall be implied accordingly.

(3) Where a wife conveys and is expressed to convey as beneficial owner, and the husband also conveys and is expressed to convey as beneficial owner, then, within this section, the wife shall be deemed to convey and to be expressed to convey by direction of the husband as beneficial owner; and, in addition to the covenant implied on the part of the wife, there shall also be implied, first, a covenant on the part of the husband as the person giving that direction, and, secondly, a covenant on the part of the husband in the same terms as the covenant implied on the part of the wife.

(4) Where in a conveyance a person conveying is not expressed to convey as beneficial owner, or as settler, or as trustee, or as mortgagee, or as personal representative of a deceased person, or as committee of a lunatic so found by inquisition, or under an order of the court, or by direction of a person as beneficial owner, no covenant on the part of the person conveying shall be, by virtue of this section, implied in the conveyance.

(5) In this section a conveyance includes a deed conferring the right to admittance to copyhold or customary land, but does not include a demise by way of lease at a rent, or any customary assurance, other than a deed, conferring the right to admittance to copyhold or customary land.

(6) The benefit of a covenant implied as aforesaid shall be annexed and incident to, and shall go with, the estate or interest of the implied covenantee, and shall be capable of being enforced by every person in whom that estate or interest is, for the whole or any part thereof, from time to time vested.

(7) A covenant implied as aforesaid may be varied or extended by deed, and, as so varied or extended shall, as far as may be, operate in the like manner and with all the like incidents, effects, and consequences as if such variations or extensions were directed in this section to be implied.

(8) This section applies only to conveyances made after the commencement of this act.

Execution of purchase deed.

8.—(1) On a sale the purchaser shall not be entitled to require that the conveyance to him be executed in his presence or in that of his solicitor, as such; but shall be entitled to have, at his own cost, the execution of the conveyance attested by some person appointed by him, who may, if he thinks fit, be his solicitor.

(2) This section applies only to sales made after the commencement of this act.

Production and safe custody of title-deeds.

9.—(1) Where a person retains possession of documents, and gives to another an acknowledgment in writing of the right of that other to production of those documents, and to delivery of copies thereof (in this section called an acknowledgment), that acknowledgment shall have effect as in this section provided.

(2) An acknowledgment shall bind the documents to which it relates in the possession or under the control of the person who retains them, and in the possession or under the control of every other person having possession or control thereof from time to time, but shall bind each individual possessor or person as long only as he has possession or control thereof; and every person so having possession or control from time to time shall be bound specifically to perform the obligations imposed under this section by an acknowledgment, unless prevented from so doing by fire or other inevitable accident.

(3) The obligations imposed under this section by an acknowledgment are to be performed from time to time at the request in writing of the person to whom an acknowledgment is given, or of any person, not being a lessee at a rent, having or claiming any estate, interest, or right through or under that person, or otherwise becoming through or under that person interested in or affected by the terms of any document to which the acknowledgment relates.

(4) The obligations imposed under this section by an acknowledgment are—

(i) An obligation to produce the documents or any of them at all reasonable times for the purpose of inspection, and of comparison with abstracts or copies thereof, by the person entitled to request production or by any one by him authorized in writing; and

(ii) An obligation to produce the documents or any of them at any trial, hearing, or examination in any court, or in the execution of any commission, or elsewhere in the United Kingdom, on any occasion on which production may properly be required, for proving or supporting the title or claim of the person entitled to request production, or for any other purpose relative to that title or claim; and

(iii) An obligation to deliver to the person entitled to request the same true copies or extracts, attested or unattested, of or from the document, or any of them.

(5) All costs and expenses of or incidental to the specific performance of any obligation imposed under this section by an acknowledgment shall be paid by the person requesting performance.

(6) An acknowledgment shall not confer any right to damages for loss or destruction of, or injury to, the documents to which it relates, from whatever cause arising.

(7) Any person claiming to be entitled to the benefit of an acknowledgment may apply to the court for an order directing the production of the documents to which it relates, or any of them, or the delivery of copies of or extracts from those documents or any of them to him,

or some person on his behalf; and the court may, if it thinks fit, order production, or production and delivery, accordingly, and may give directions respecting the time, place, terms, and mode of production or delivery, and may make such order as it thinks fit respecting the costs of the application, or any other matter connected with the application.

(8) An acknowledgment shall by virtue of this act satisfy any liability to give a covenant for production and delivery of copies of or extracts from documents.

(9) Where a person retains possession of documents and gives to another an undertaking in writing for safe custody thereof, that undertaking shall impose on the person giving it, and on every person having possession or control of the documents from time to time, but on each individual possessor or person as long only as he has possession or control thereof, an obligation to keep the documents safe, whole, uncanceled, and undefaced, unless prevented from so doing by fire or other inevitable accident.

(10) Any person claiming to be entitled to the benefit of such an undertaking may apply to the court to assess damages for any loss, destruction of, or injury to the documents or any of them, and the court may, if it thinks fit, direct an inquiry respecting the amount of damages, and order payment thereof by the person liable, and may make such order as it thinks fit respecting the costs of the application, or any other matter connected with the application.

(11) An undertaking for safe custody of documents shall by virtue of this act satisfy any liability to give a covenant for safe custody of documents.

(12) The rights conferred by an acknowledgment or an undertaking under this section shall be in addition to all such other rights relative to the production, or inspection, or the obtaining of copies of documents as are not, by virtue of this act, satisfied by the giving of the acknowledgment or undertaking, and shall have effect subject to the terms of the acknowledgment or undertaking, and to any provisions therein contained.

(13) This section applies only if and as far as a contrary intention is not expressed in the acknowledgment or undertaking.

(14) This section applies only to an acknowledgment or undertaking given, or a liability respecting documents incurred, after the commencement of this act.

III.—LEASES.

10.—(1) Rent reserved by a lease, and the benefit of every covenant or provision therein contained, having reference to the subject-matter thereof, and on the lessee's part to be observed or performed, and every condition of re-entry and other condition therein contained, shall be annexed and incident to and shall go with the reversionary estate in the land, or in any part thereof, immediately expectant on the term granted by the lease, notwithstanding severance of that reversionary estate, and shall be capable of being recovered, received, enforced, and taken advantage of by the person from time to time entitled, subject to the term, to the income of the whole or any part, as the case may require, of the land leased.

(2) This section applies only to leases made after the commencement of this act.

11.—(1) The obligation of a covenant entered into by a lessor with reference to the subject-matter of the lease shall, if and as far as the lessor has power to bind the reversionary estate immediately expectant on the term granted by the lease, be annexed and incident to and shall go with that reversionary estate, or the several parts thereof, notwithstanding severance of that reversionary estate, and may be taken advantage of and enforced by the person in whom the term is from time to time vested by conveyance, devolution in law, or otherwise; and, if and as far as the lessor has power to bind the person from time to time entitled to that reversionary estate, the obligation aforesaid may be taken advantage of and enforced against any person so entitled.

(2) This section applies only to leases made after the commencement of this act.

12.—(1) Notwithstanding the severance by conveyance, surrender, or otherwise, of the reversionary estate in any land comprised in a lease, and notwithstanding the avoidance or ceasing in any other manner of the term granted by a lease as to part only of the land comprised therein, every condition or right of re-entry, and every other condition, contained in the lease,

shall be apportioned, and shall remain annexed to the severed parts of the reversionary estate as severed, and shall be in force with respect to the term whereon each severed part is reversionary, or the term in any land which has not been surrendered, or as to which the term has not been avoided or has not otherwise ceased, in like manner as if the land comprised in each severed part, or the land as to which the term remains subsisting, as the case may be, had alone originally been comprised in the lease.

(2) This section applies only to leases made after the commencement of this act.

13.—(1) On a contract to grant a lease for a term of years to be derived out of a leasehold interest, with a leasehold reversion, the intended lessee shall not have the right to call for the title to that reversion.

(2) This section applies only if and as far as a contrary intention is not expressed in the contract, and shall have effect subject to the terms of the contract and to the provisions therein contained.

(3) This section applies only to contracts made after the commencement of this act.

Forfeiture.

14.—(1) A right of re-entry or forfeiture under any proviso or stipulation in a lease, for a breach of any covenant or condition in the lease, shall not be enforceable, by action or otherwise, unless and until the lessor serves on the lessee a notice specifying the particular breach complained of and, if the breach is capable of remedy, requiring the lessee to remedy the breach, and, in any case, requiring the lessee to make compensation in money for the breach, and the lessee fails, within a reasonable time thereafter, to remedy the breach, if it is capable of remedy, and to make reasonable compensation in money, to the satisfaction of the lessor, for the breach.

(2) Where a lessor is proceeding, by action or otherwise, to enforce such a right of re-entry or forfeiture, the lessee may, in the lessor's action, if any, or in any action brought by himself, apply to the court for relief; and the court may grant or refuse relief, as the court, having regard to the proceedings and conduct of the parties under the foregoing provisions of this section, and to all the other circumstances, thinks fit; and in case of relief may grant it on such terms, if any, as to costs, expenses, damages, compensation, penalty, or otherwise, including the granting of an injunction to restrain any like breach in the future, as the court, in the circumstances of each case, thinks fit.

(3) For the purposes of this section a lease includes an original or derivative under-lease, also a grant at a fee-farm rent, or securing a rent by condition; and a lessee includes an original or derivative under-lessee, and the heirs, executors, administrators, and assigns of a lessee, also a grantee under such a grant as aforesaid, his heirs and assigns; and a lessor includes an original or derivative under-lessor, and the heirs, executors, administrators, and assigns of a lessor, also a grantor as aforesaid, and his heirs and assigns.

(4) This section applies although the proviso or stipulation under which the right of re-entry or forfeiture accrues is inserted in the lease in pursuance of the directions of any act of Parliament.

(5) For the purposes of this section a lease limited to continue as long only as the lessee abstains from committing a breach of covenant shall be and take effect as a lease to continue for any longer term for which it could subsist, but determinable by a proviso for re-entry on such a breach.

(6) This section does not extend—

(i) To a covenant or condition against the assigning, under-letting, parting with the possession, or disposing of the land leased; or to a condition for forfeiture on the bankruptcy of the lessee, or on taking in execution of the lessee's interest; or

(ii) In case of a mining lease, to a covenant or condition for allowing the lessor to have access to or inspect books, accounts, records, weighing-machines or other things, or to enter or inspect the mine or the workings thereof.

(7) The enactments described in Part I of the second schedule to this act are hereby repealed.

(8) This section shall not affect the law relating to re-entry or forfeiture or relief in case of non-payment of rent.

(9) This section applies to leases made either before or after the commencement of this act, and shall have effect notwithstanding any stipulation to the contrary.

IV.—MORTGAGES.

15.—(1) Where a mortgagee is entitled to redeem, he shall, by virtue of this act, have power to require the mortgagee, instead of reconveying, and on the terms on which he would be bound to reconvey, to assign the mortgage debt and convey the mortgaged property to any third person, as the mortgagee directs; and the mortgagee shall, by virtue of this act, be bound to assign and convey accordingly.

(2) This section does not apply in the case of a mortgagee being or having been in possession.

(3) This section applies to mortgages made either before or after the commencement of this act, and shall have effect notwithstanding any stipulation to the contrary.

16.—(1) A mortgagee, as long as his right to redeem subsists, shall, by virtue of this act, be entitled from time to time, at reasonable times, on his request, and at his own cost, and on payment of the mortgagee's costs and expenses in this behalf, to inspect and make copies or abstracts of or extracts from the documents of title relating to the mortgaged property in the custody or power of the mortgagee.

(2) This section applies only to mortgages made after the commencement of this act, and shall have effect notwithstanding any stipulation to the contrary.

17.—(1) A mortgagee seeking to redeem any one mortgage, shall, by virtue of this act, be entitled to do so, without paying any money due under any separate mortgage made by him, or by any person through whom he claims, on property other than that comprised in the mortgage which he seeks to redeem.

(2) This section applies only if and as far as a contrary intention is not expressed in the mortgage deeds or one of them.

(3) This section applies only where the mortgages or one of them are or is made after the commencement of this act.

Leases.

18.—(1) A mortgagee of land while in possession shall, as against every encumbrancer, have, by virtue of this act, power to make from time to time any such lease of the mortgaged land, or any part thereof, as is in this section described and authorized.

(2) A mortgagee of land while in possession shall, as against all prior encumbrancers, if any, and as against the mortgagee, have, by virtue of this act, power to make from time to time any such lease as aforesaid.

(3) The leases which this section authorizes are—

(i) An agricultural or occupation lease for any term not exceeding twenty-one years; and

(ii) A building lease for any term not exceeding ninety-nine years.

(4) Every person making a lease under this section may execute and do all assurances and things necessary or proper in that behalf.

(5) Every such lease shall be made to take effect in possession not later than twelve months after its date.

(6) Every such lease shall reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case, but without any fine being taken.

(7) Every such lease shall contain a covenant by the lessee for payment of the rent, and a condition of re-entry on the rent not being paid within a time therein specified, not exceeding thirty days.

(8) A counterpart of every such lease shall be executed by the lessee and delivered to the lessor, of which execution and delivery the execution of the lease by the lessor shall, in favor of the lessee and all persons deriving title under him, be sufficient evidence.

(9) Every such building lease shall be made in consideration of the lessee, or some person by whose direction the lease is granted, having erected, or agreeing to erect within not more than five years from the date of the lease, buildings, new or additional, or having improved or repaired buildings, or agreeing to improve or repair buildings within that time, or having executed, or agreeing to execute, within that time, on the land leased, an improvement for or in connection with building purposes.

(10) In any such building lease a pepper-corn rent, or a nominal or other rent less than the rent ultimately payable, may be made payable for the first five years, or any less part of the term.

(11) In case of a lease by the mortgageor, he shall, within one month after making the lease, deliver to the mortgagee, or, where there are more than one, to the mortgagee first in priority, a counterpart of the lease duly executed by the lessee; but the lessee shall not be concerned to see that this provision is complied with.

(12) A contract to make or accept a lease under this section may be enforced by or against every person on whom the lease if granted would be binding.

(13) This section applies only if and as far as a contrary intention is not expressed by the mortgageor and mortgagee in the mortgage deed, or otherwise in writing, and shall have effect subject to the terms of the mortgage deed or of any such writing and to the provisions therein contained.

(14) Nothing in this act shall prevent the mortgage deed from reserving to or conferring on the mortgageor or the mortgagee, or both, any further or other powers of leasing or having reference to leasing; and any further or other powers so reserved or conferred shall be exercisable, as far as may be, as if they were conferred by this act, and with all the like incidents, effects, and consequences, unless a contrary intention is expressed in the mortgage deed.

(15) Nothing in this act shall be construed to enable a mortgageor or mortgagee to make a lease for any longer term or on any other conditions than such as could have been granted or imposed by the mortgageor, with the concurrence of all the encumbrancers, if this act had not been passed.

(16) This section applies only in case of a mortgage made after the commencement of this act; but the provisions thereof, or any of them, may, by agreement in writing made after the commencement of this act, between mortgageor and mortgagee, be applied to a mortgage made before the commencement of this act, so, nevertheless, that any such agreement shall not prejudicially affect any right or interest of any mortgagee not joining in or adopting the agreement.

(17) The provisions of this section referring to a lease shall be construed to extend and apply, as far as circumstances admit, to any letting, and to an agreement, whether in writing or not, for leasing or letting.

Sale, insurance, receiver, timber.

19.—(1) A mortgagee, where the mortgage is made by deed, shall, by virtue of this act, have the following powers, to the like extent as if they had been in terms conferred by the mortgage deed, but not further, namely:

(i) A power, when the mortgage money has become due, to sell, or to concur with any other person in selling, the mortgaged property, or any part thereof, either subject to prior charges, or not, and either together or in lots, by public auction or by private contract, subject to such conditions respecting title, or evidence of title, or other matter, as he (the mortgagee) thinks fit, with power to vary any contract for sale, and to buy in at an auction, or to rescind any contract for sale, and to resell, without being answerable for any loss occasioned thereby; and

(ii) A power, at any time after the date of the mortgage deed, to insure and keep insured against loss or damage by fire any building, or any effects or property of an insurable nature, whether affixed to the freehold or not, being or forming part of the mortgaged property, and the premiums paid for any such insurance shall be a charge on the mortgaged property, in ad-

dition to the mortgage money, and with the same priority, and with interest at the same rate, as the mortgage money; and

(iii) A power, when the mortgage money has become due, to appoint a receiver of the income of the mortgaged property, or of any part thereof; and

(iv) A power, while the mortgagee is in possession, to cut and sell timber and other trees ripe for cutting, and not planted or left standing for shelter or ornament, or to contract for any such cutting and sale, to be completed within any time not exceeding twelve months from the making of the contract.

(2) The provisions of this act relating to the foregoing powers, comprised either in this section, or in any subsequent section regulating the exercise of those powers, may be varied or extended by the mortgage deed, and, as so varied or extended, shall, as far as may be, operate in the like manner and with all the like incidents, effects, and consequences, as if such variations or extensions were contained in this act.

(3) This section applies only if and as far as a contrary intention is not expressed in the mortgage deed, and shall have effect subject to the terms of the mortgage deed and to the provisions therein contained.

(4) This section applies only where the mortgage deed is executed after the commencement of this act.

20.—A mortgagee shall not exercise the power of sale conferred by this act unless and until—

(i) Notice requiring payment of the mortgage money has been served on the mortgageor or one of several mortgageors, and default has been made in payment of the mortgage money, or of part thereof, for three months after such service; or

(ii) Some interest under the mortgage is in arrear and unpaid for two months after becoming due; or

(iii) There has been a breach of some provision contained in the mortgage deed or in this act, and on the part of the mortgageor, or of some person concurring in making the mortgage, to be observed or performed, other than and besides a covenant for payment of the mortgage money or interest thereon.

21.—(1) A mortgagee exercising the power of sale conferred by this act shall have power, by deed, to convey the property sold, for such estate and interest therein as is the subject of the mortgage, freed from all estates, interests, and rights to which the mortgage has priority, but subject to all estates, interests, and rights which have priority to the mortgage; except that, in the case of copy-hold or customary land, the legal right to admittance shall not pass by a deed under this section, unless the deed is sufficient otherwise by law, or is sufficient by custom, in that behalf.

(2) Where a conveyance is made in professed exercise of the power of sale conferred by this act, the title of the purchaser shall not be impeachable on the ground that no case has arisen to authorize the sale, or that due notice was not given, or that the power was otherwise improperly or irregularly exercised; but any person damnified by an unauthorized, or improper, or irregular exercise of the power shall have his remedy in damages against the person exercising the power.

(3) The money which is received by the mortgagee, arising from the sale, after discharge of prior encumbrances to which the sale is not made subject, if any, or after payment into court under this act of a sum to meet any prior encumbrance, shall be held by him in trust to be applied by him, first, in payment of all costs, charges, and expenses properly incurred by him, as incident to the sale or any attempted sale, or otherwise; and secondly, in discharge of the mortgage money, interest, and costs, and other money, if any, due under the mortgage; and the residue of the money so received shall be paid to the person entitled to the mortgaged property, or authorized to give receipts for the proceeds of the sale thereof.

(4) The power of sale conferred by this act may be exercised by any person for the time being entitled to receive and give a discharge for the mortgage money.

(5) The power of sale conferred by this act shall not affect the right of foreclosure.

(6) The mortgagee, his executors, administrators, or assigns, shall not be answerable for any involuntary loss happening in or about the exercise or execution of the power of sale conferred by this act or of any trust connected therewith.

(7) At any time after the power of sale conferred by this act has become exercisable, the person entitled to exercise the same may demand and recover from any person, other than a person having in the mortgaged property an estate, interest, or right in priority to the mortgage, all the deeds and documents relating to the property, or to the title thereto, which a purchaser under the power of sale would be entitled to demand and recover from him.

22.—(1) The receipt in writing of a mortgagee shall be a sufficient discharge for any money arising under the power of sale conferred by this act, or for money or securities comprised in his mortgage, or arising thereunder; and a person paying or transferring the same to the mortgagee shall not be concerned to inquire whether any money remains due under the mortgage.

(2) Money received by a mortgagee under his mortgage or from the proceeds of securities comprised in his mortgage shall be applied in like manner as in this act directed respecting money received by him arising from a sale under the power of sale conferred by this act; but with this variation, that the costs, charges, and expenses payable shall include the costs, charges, and expenses properly incurred of recovering and receiving the money or securities, and of conversion of securities into money, instead of those incident to sale.

23.—(1) The amount of an insurance effected by a mortgagee against loss or damage by fire under the power in that behalf conferred by this act shall not exceed the amount specified in the mortgage deed, or, if no amount is therein specified, then shall not exceed two-third parts of the amount that would be required, in case of total destruction, to restore the property insured.

(2) An insurance shall not, under the power conferred by this act, be effected by a mortgagee in any of the following cases, namely:

(i) Where there is a declaration in the mortgage deed that no insurance is required.

(ii) Where an insurance is kept up by or on behalf of the mortgageor in accordance with the mortgage deed.

(iii) Where the mortgage deed contains no stipulation respecting insurance, and an insurance is kept up by or on behalf of the mortgageor, to the amount in which the mortgagee is by this act authorized to insure.

(3) All money received on an insurance effected under the mortgage deed or under this act shall, if the mortgagee so requires, be applied by the mortgageor in making good the loss or damage in respect of which the money is received.

(4) Without prejudice to any obligation to the contrary imposed by law, or by special contract, a mortgagee may require that all money received on an insurance be applied in or towards discharge of the money due under his mortgage.

24.—(1) A mortgagee entitled to appoint a receiver under the power in that behalf conferred by this act shall not appoint a receiver until he has become entitled to exercise the power of sale conferred by this act, but may then, by writing under his hand, appoint such person as he thinks fit to be receiver.

(2) The receiver shall be deemed to be the agent of the mortgageor; and the mortgageor shall be solely responsible for the receiver's acts or defaults, unless the mortgage deed otherwise provides.

(3) The receiver shall have power to demand and recover all the income of the property of which he is appointed receiver, by action, distress, or otherwise, in the name either of the mortgageor or of the mortgagee, to the full extent of the estate or interest which the mortgageor could dispose of, and to give effectual receipts, accordingly, for the same.

(4) A person paying money to the receiver shall not be concerned to inquire whether any case has happened to authorize the receiver to act.

(5) The receiver may be removed, and a new receiver may be appointed, from time to time by the mortgagee by writing under his hand.

(6) The receiver shall be entitled to retain out of any money received by him, for his remuneration, and in satisfaction of all costs, charges, and expenses incurred by him as receiver, a commission at such rate, not exceeding 5 per centum on the gross amount of all money received, as is specified in his appointment, and if no rate is so specified, then at the rate of 5 per centum on that gross amount, or at such higher rate as the court thinks fit to allow, on application made by him for that purpose.

(7) The receiver shall, if so directed in writing by the mortgagee, insure and keep insured against loss or damage by fire, out of the money received by him, any building, effects, or property comprised in the mortgage, whether affixed to the freehold or not, being of an insurable nature.

(8) The receiver shall apply all money received by him as follows, namely:

(i) In discharge of all rents, taxes, rates, and outgoings whatever affecting the mortgaged property; and

(ii) In keeping down all annual sums or other payments, and the interest on all principal sums having priority to the mortgage in right whereof he is receiver; and

(iii) In payment of his commission, and of the premiums on fire, life, or other insurances, if any, properly payable under the mortgage deed or under this act, and the cost of executing necessary or proper repairs directed in writing by the mortgagee; and

(iv) In payment of the interest accruing due in respect of any principal money due under the mortgage; and shall pay the residue of the money received by him to the person who, but for the possession of the receiver, would have been entitled to receive the income of the mortgaged property, or who is otherwise entitled to that property.

Action respecting mortgage.

25.—(1) Any person entitled to redeem mortgaged property may have a judgment or order for sale instead of for redemption in an action brought by him either for redemption alone, or for sale alone, or for sale or redemption, in the alternative.

(2) In any action, whether for foreclosure, or for redemption, or for sale, or for the raising and payment in any manner of mortgage money, the court, on the request of the mortgagee, or of any person interested either in the mortgage money or in the right of redemption, and, notwithstanding the dissent of any other person, and notwithstanding that the mortgagee or any person so interested does not appear in the action and without allowing any time for redemption or for payment of any mortgage money, may, if it thinks fit, direct a sale of the mortgaged property, on such terms as it thinks fit, including, if it thinks fit, the deposit in court of a reasonable sum fixed by the court, to meet the expenses of sale and to secure performance of the terms.

(3) But, in an action brought by a person interested in the right of redemption and seeking a sale, the court may, on the application of any defendant, direct the plaintiff to give such security for costs as the court thinks fit, and may give the conduct of the sale to any defendant, and may give such directions as it thinks fit respecting the costs of the defendants or any of them.

(4) In any case within this section the court may, if it thinks fit, direct a sale without previously determining the priorities of encumbrances.

(5) This section applies to actions brought either before or after the commencement of this act.

(6) The enactment described in Part II of the second schedule to this act is hereby repealed.

(7) This section does not extend to Ireland.

V.—STATUTORY MORTGAGE.

26.—(1) A mortgage of freehold or leasehold land may be made by a deed expressed to be made by way of statutory mortgage, being in the form given in Part I of the third schedule to this act, with such variations and additions, if any, as circumstances may require, and the provisions of this section shall apply thereto.

(2) There shall be deemed to be included, and there shall by virtue of this act be implied, in the mortgage deed—

First, a covenant with the mortgagee by the person expressed therein to convey as mortgageor to the effect following, namely:

That the mortgageor will, on the stated day, pay to the mortgagee the stated mortgage money, with interest thereon in the meantime, at the stated rate, and will thereafter, if and as long as the mortgage money or any part thereof remains unpaid, pay to the mortgagee interest thereon, or on the unpaid part thereof, at the stated rate, by equal half-yearly payments, the first thereof to be made at the end of six calendar months from the day stated for payment of the mortgage money.

Secondly, a proviso to the effect following, namely:

That if the mortgageor, on the stated day, pays to the mortgagee the stated mortgage money, with interest thereon in the meantime, at the stated rate, the mortgagee at any time thereafter, at the request and cost of the mortgageor, shall reconvey the mortgaged property to the mortgageor, or as he shall direct.

27.—(1) A transfer of a statutory mortgage may be made by a deed expressed to be made by way of statutory transfer of mortgage, being in such one of the three forms (A) and (B) and (C) given in Part II of the third schedule of this act as may be appropriate to the case, with such variations and additions, if any, as circumstances may require, and the provisions of this section shall apply thereto.

(2) In whichever of those three forms the deed of transfer is made, it shall have effect as follows, namely:

(i) There shall become vested in the person to whom the benefit of the mortgage is expressed to be transferred, who, with his executors, administrators, and assigns, is hereafter in this section designated the transferee, the right to demand, sue for, recover, and give receipts for the mortgage money, or the unpaid part thereof, and the interest then due, if any, and thenceforth to become due thereon, and the benefit of all securities for the same, and the benefit of and the right to sue on all covenants with the mortgagee, and the right to exercise all powers of the mortgagee.

(ii) All the estate and interest, subject to redemption, of the mortgagee in the mortgaged land shall vest in the transferee, subject to redemption.

(3) If the deed of transfer is made in the form (B), there shall also be deemed to be included, and there shall by virtue of this act be implied therein, a covenant with the transferee by the person expressed to join therein as covenantor to the effect following, namely:

That the covenantor will, on the next of the days by the mortgage deed fixed for payment of interest, pay to the transferee the stated mortgage money, or so much thereof as then remains unpaid, with interest thereon, or on the unpaid part thereof, in the meantime, at the rate stated in the mortgage deed; and will thereafter, as long as the mortgage money, or any part thereof, remains unpaid, pay to the transferee interest on that sum, or the unpaid part thereof, at the same rate on the successive days by the mortgage deed fixed for payment of interest.

(4) If the deed of transfer is made in the form (C), it shall, by virtue of this act, operate not only as a statutory transfer of mortgage, but also as a statutory mortgage, and the provisions of this section shall have effect in relation thereto, accordingly; but it shall not be liable to any increased stamp duty by reason only of it being designated a mortgage.

28.—In a deed of statutory mortgage, or of statutory transfer of mortgage, where more persons than one are expressed to convey as mortgageors, or to join as covenantors, the implied covenant on their part shall be deemed to be a joint and several covenant by them; and where there are more mortgagees or more transferees than one, the implied covenant with them shall be deemed to be a covenant with them jointly, unless the amount secured is expressed to be secured to them in shares or distinct sums, in which latter case the implied covenant with them shall be deemed to be a covenant with each severally in respect of the share or distinct sum secured to him.

29.—A reconveyance of a statutory mortgage may be made by a deed expressed to be made by way of statutory reconveyance of mortgage, being in the form given in Part III of the third schedule to this act, with such variations and additions, if any, as circumstances may require.

VI.—TRUST AND MORTGAGE ESTATES ON DEATH.

30.—(1) Where an estate or interest of inheritance, or limited to the heir as special occupant, in any tenements or hereditaments, corporeal or incorporeal, is vested on any trust, or by way of mortgage, in any person solely, the same shall, on his death, notwithstanding any testamentary disposition, devolve to and become vested in his personal representatives or representative from time to time, in like manner as if the same were a chattel real vesting in them or him; and accordingly all the like powers, for one only of several joint personal representatives, as well as for a single personal representative, and for all the personal representatives together, to dispose of and otherwise deal with the same, shall belong to the deceased's personal representatives or representative from time to time, with all the like incidents, but subject to all the like rights, equities, and obligations, as if the same were a chattel real vesting in them or him; and, for the purposes of this section, the personal representatives for the time being of the deceased shall be deemed in law his heirs and assigns within the meaning of all trusts and powers.

(2) Section 4 of the vendor and purchaser act (1874) and section 48 of the land transfer act (1875) are hereby repealed.

(3) This section, including the repeals therein, applies only in cases of death after the commencement of this act.

VII.—TRUSTEES AND EXECUTORS.

31.—(1) Where a trustee, either original or substituted, and whether appointed by a court or otherwise, is dead, or remains out of the United Kingdom for more than twelve months, or desires to be discharged from the trusts or powers reposed in or conferred on him, or refuses or is unfit to act therein, or is incapable of acting therein, then the person or persons nominated for this purpose by the instrument, if any, creating the trust, or if there is no such person, or no such person able and willing to act, then the surviving or continuing trustees or trustee for the time being, or the personal representatives of the last surviving or continuing trustee, may, by writing, appoint another person or other persons to be a trustee or trustees in the place of the trustee dead, remaining out of the United Kingdom, desiring to be discharged, refusing or being unfit, or being incapable, as aforesaid.

(2) On an appointment of a new trustee the number of trustees may be increased.

(3) On an appointment of a new trustee it shall not be obligatory to appoint more than one new trustee where only one trustee was originally appointed, or to fill up the original number of trustees where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee shall not be discharged under this section from his trust unless there will be at least two trustees to perform the trust.

(4) On an appointment of a new trustee any assurance or thing requisite for vesting the trust property, or any part thereof, jointly in the persons who are the trustees, shall be executed or done.

(5) Every new trustee so appointed, as well before as after all the trust property becomes by law, or by assurance, or otherwise, vested in him, shall have the same powers, authorities, and discretions, and may in all respects act as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

(6) The provisions of this section relative to a trustee who is dead include the case of a person nominated trustee in a will but dying before the testator; and those relative to a continuing trustee include a refusing or retiring trustee, if willing to act in the execution of the provisions of this section.

(7) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(8) This section applies to trusts created either before or after the commencement of this act.

32.—(1) Where there are more than two trustees, if one of them by deed declares that he is desirous of being discharged from the trust, and if his co-trustees and such other person, if any, as is empowered to appoint trustees, by deed consent to the discharge of the trustee, and to the vesting in the co-trustees alone of the trust property, then the trustee desirous of being discharged shall be deemed to have retired from the trust, and shall, by the deed, be discharged therefrom under this act without any new trustee being appointed in his place.

(2) Any assurance or thing requisite for vesting the trust property in the continuing trustees alone shall be executed or done.

(3) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(4) This section applies to trusts created either before or after the commencement of this act.

33.—(1) Every trustee appointed by the court of chancery, or by the chancery division of the court, or by any other court of competent jurisdiction, shall, as well before as after the trust property becomes by law, or by assurance, or otherwise, vested in him, have the same powers, authorities, and discretions, and may in all respects act as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

(2) This section applies to appointments made either before or after the commencement of this act.

34.—(1) Where a deed by which a new trustee is appointed to perform any trust contains a declaration by the appointor to the effect that any estate or interest in any land subject to the trust, or in any chattel so subject, or the right to recover and receive any debt or other thing in action so subject, shall vest in the persons who, by virtue of the deed, become and are the trustees for performing the trust, that declaration shall, without any conveyance or assignment, operate to vest in those persons as joint-tenants, and for the purposes of the trust, that estate, interest, or right.

(2) Where a deed by which a retiring trustee is discharged under this act contains such a declaration as is in this section mentioned by the retiring and continuing trustees, and by the other person, if any, empowered to appoint trustees, that declaration shall, without any conveyance or assignment, operate to vest in the continuing trustees alone, as joint-tenants, and for the purposes of the trust, the estate, interest, or right to which the declaration relates.

(3) This section does not extend to any legal estate or interest in copy-hold or customary land, or to land conveyed by way of mortgage for securing money subject to the trust, or to any such share, stock, annuity, or property as is only transferable in books kept by a company or other body, or in manner prescribed by or under act of Parliament.

(4) For purposes of registration of the deed in any registry, the person or persons making the declaration shall be deemed the conveying party or parties, and the conveyance shall be deemed to be made by him or them under a power conferred by this act.

(5) This section applies only to deeds executed after the commencement of this act.

35.—(1) Where a trust for sale or a power of sale of property is vested in trustees, they may sell or concur with any other person in selling all or any part of the property, either subject to prior charges or not, and either together or in lots, by public auction or by private contract, subject to any such conditions respecting title or evidence of title, or other matter, as the trustees think fit, with power to vary any contract for sale, and to buy in at any auction, or to rescind any contract for sale, and to resell, without being answerable for any loss.

(2) This section applies only if and as far as a contrary intention is not expressed in the instrument creating the trust or power, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(3) This section applies only to a trust or power created by an instrument coming into operation after the commencement of this act.

36.—(1) The receipt in writing of any trustees or trustee for any money, securities, or other personal property or effects payable, transferable, or deliverable to them or him under any trust or power shall be a sufficient discharge for the same, and shall effectually exonerate the person paying, transferring, or delivering the same from seeing to the application or being answerable for any loss or misapplication thereof.

(2) This section applies to trusts created either before or after the commencement of this act.

37.—(1) An executor may pay or allow any debt or claim on any evidence that he thinks sufficient.

(2) An executor, or two or more trustees acting together, or a sole acting trustee where, by the instrument, if any, creating the trust, a sole trustee is authorized to execute the trusts and powers thereof, may, if and as he or they think fit, accept any composition, or any security, real or personal, for any debt, or for any property, real or personal, claimed, and may allow any time for payment of any debt, and may compromise, compound, abandon, submit to arbitration, or otherwise settle any debt, account, claim, or thing whatever relating to the testator's estate or to the trust, and for any of those purposes may enter into, give, execute, and do such agreements, instruments of composition or arrangement, releases, and other things as to him or them seem expedient, without being responsible for any loss occasioned by any act or thing so done by him or them in good faith.

(3) As regards trustees, this section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(4) This section applies to executorships and trusts constituted or created either before or after the commencement of this act.

38.—(1) Where a power or trust is given to or vested in two or more executors or trustees jointly, then, unless the contrary is expressed in the instrument, if any, creating the power or trust, the same may be exercised or performed by the survivor or survivors of them for the time being.

(2) This section applies only to executorships and trusts constituted after or created by instruments coming into operation after the commencement of this act.

VIII.—MARRIED WOMEN.

39.—(1) Notwithstanding that a married woman is restrained from anticipation, the court may, if it thinks fit, where it appears to the court to be for her benefit, by judgment or order, with her consent, bind her interest in any property.

(2) This section applies only to judgments or orders made after the commencement of this act.

40.—(1) A married woman, whether an infant or not, shall, by virtue of this act, have power, as if she were unmarried and of full age, by deed, to appoint an attorney on her behalf for the purpose of executing any deed or doing any other act which she might herself execute or do; and the provisions of this act relating to the instruments creating powers of attorney shall apply thereto.

(2) This section applies only to deeds executed after the commencement of this act.

IX.—INFANTS.

41.—Where a person in his own right seized of or entitled to land for an estate in fee-simple, or for any leasehold interest at a rent, is an infant, the land shall be deemed to be a settled estate within the settled estates act (1877.)

42.—(1) If and as long as any person who would but for this section be beneficially entitled to the possession of any land is an infant, and being a woman is also unmarried, the trustees appointed for this purpose by the settlement, if any, or if there are none so appointed, then the persons, if any, who are for the time being under the settlement trustees with power of sale of the settled land, or of part thereof, or with power of consent to or approval of the

exercise of such a power of sale, or if there are none, then any persons appointed as trustees for this purpose by the court, on the application of a guardian or next friend of the infant, may enter into and continue in possession of the land; and in every such case the subsequent provisions of this section shall apply.

(2) The trustees shall manage or superintend the management of the land with full power to fell timber or cut underwood from time to time in the usual course for sale, or for repairs or otherwise, and to erect, pull down, rebuild, and repair houses, and other buildings and erections, and to continue the working of mines, minerals, and quarries which have usually been worked, and to drain or otherwise improve the land or any part thereof, and to insure against loss by fire, and to make allowances to and arrangements with tenants and others, and to determine tenancies, and to accept surrenders of leases and tenancies, and generally to deal with the land in a proper and due course of management; but so that, where the infant is impeachable for waste, the trustees shall not commit waste, and shall cut timber on the same terms only, and subject to the same restrictions, on and subject to which the infant could, if of full age, cut the same.

(3) The trustees may from time to time, out of the income of the land, including the produce of the sale of timber and underwood, pay the expenses incurred in the management, or in the exercise of any power conferred by this section, or otherwise in relation to the land, and all outgoings not payable by any tenant or other person, and shall keep down any annual sum, and the interest of any principal sum, charged on the land.

(4) The trustees may apply at discretion any income which, in the exercise of such discretion, they deem proper, according to the infant's age, for his or her maintenance, education, or benefit, or pay thereout any money to the infant's parent or guardian, to be applied for the same purposes.

(5) The trustees shall lay out the residue of the income of the land in investment on securities on which they are by the settlement, if any, or by law, authorized to invest trust money, with power to vary investments; and shall accumulate the income of the investments so made in the way of compound interest, by from time to time similarly investing such income and the resulting income of investments; and shall stand possessed of the accumulated fund arising from income of the land and from investments of income on the trusts following, namely:

(i) If the infant attains the age of twenty-one years, then in trust for the infant.

(ii) If the infant is a woman and marries while an infant, then in trust for her separate use, independently of her husband, and so that her receipt after she marries, and though still an infant, shall be a good discharge; but

(iii) If the infant dies while an infant, and being a woman without having been married, then, where the infant was, under a settlement, tenant for life, or by purchase tenant in tail or tail male or tail female, on the trusts, if any, declared of the accumulated fund by that settlement; but where no such trusts are declared, or the infant has taken the land from which the accumulated fund is derived by descent, and not by purchase, or the infant is tenant for an estate in fee-simple, absolute or determinable, then in trust for the infant's personal representatives, as part of the infant's personal estate; but the accumulations, or any part thereof, may at any time be applied as if the same were income arising in the then current year.

(6) Where the infant's estate or interest is in an undivided share of land, the powers of this section relative to the land may be exercised jointly with persons entitled to possession of, or having power to act in relation to, the other undivided share or shares.

(7) This section applies only if and as far as a contrary intention is not expressed in the instrument under which the interest of the infant arises, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(8) This section applies only where that instrument comes into operation after the commencement of this act.

43.—(1) Where any property is held by trustees in trust for an infant, either for life, or for any greater interest, and whether absolutely, or contingently on his attaining the age of twenty-one years, or on the occurrence of any event before his attaining that age, the trustees

may, at their sole discretion, pay to the infant's parent or guardian, if any, or otherwise apply for or towards the infant's maintenance, education, or benefit, the income of that property, or any part thereof, whether there is any other fund applicable to the same purpose, or any person bound by law to provide for the infant's maintenance or education, or not.

(2) The trustees shall accumulate all the residue of that income in the way of compound interest, by investing the same and the resulting income thereof from time to time on securities on which they are by the settlement, if any, or by law, authorized to invest trust money, and shall hold those accumulations for the benefit of the person who ultimately becomes entitled to the property from which the same arise; but so that the trustees may at any time, if they think fit, apply those accumulations, or any part thereof, as if the same were income arising in the then current year.

(3) This section applies only if and as far as a contrary intention is not expressed in the instrument under which the interest of the infant arises, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(4) This section applies whether that instrument comes into operation before or after the commencement of this act.

X.—RENT-CHARGES AND OTHER ANNUAL SUMS.

44.—(1) Where a person is entitled to receive out of any land, or out of the income of any land, any annual sum, payable half-yearly or otherwise, whether charged on the land or on the income of the land, and whether by way of rent-charge or otherwise, not being rent incident to a reversion, then, subject and without prejudice to all estates, interests, and rights having priority to the annual sum, the person entitled to receive the same shall have such remedies for recovering and compelling payment of the same as are described in this section, as far as those remedies might have been conferred by the instrument under which the annual sum arises, but not further.

(2) If at any time the annual sum or any part thereof is unpaid for twenty-one days next after the time appointed for any payment in respect thereof, the person entitled to receive the annual sum may enter into and distrain on the land charged or any part thereof and dispose according to law of any distress found, to the intent that thereby or otherwise the annual sum and all arrears thereof, and all costs and expenses occasioned by non-payment thereof, may be fully paid.

(3) If at any time the annual sum or any part thereof is unpaid for forty days next after the time appointed for any payment in respect thereof, then, although no legal demand has been made for payment thereof, the person entitled to receive the annual sum may enter into possession of and hold the land charged or any part thereof, and take the income thereof, until thereby or otherwise the annual sum and all arrears thereof due at the time of his entry, or afterwards becoming due during his continuance in possession, and all costs and expenses occasioned by non-payment of the annual sum, are fully paid; and such possession when taken shall be without impeachment of waste.

(4) In the like case the person entitled to the annual charge, whether taking possession or not, may also by deed demise the land charged, or any part thereof, to a trustee for a term of years, with or without impeachment of waste, on trust, by mortgage, or sale, or demise, for all or any part of the term, of the land charged, or of any part thereof, or by receipt of the income thereof, or by all or any of those means, or by any other reasonable means, to raise and pay the annual sum and all arrears thereof due or to become due, and all costs and expenses occasioned by non-payment of the annual sum, or incurred in compelling or obtaining payment thereof, or otherwise relating thereto, including the costs of the preparation and execution of the deed of demise and the costs of the execution of the trusts of that deed; and the surplus, if any, of the money raised or of the income received under the trusts of that deed shall be paid to the person for the time being entitled to the land therein comprised in reversion immediately expectant on the term thereby created.

(5) This section applies only if and as far as a contrary intention is not expressed in the instrument under which the annual sum arises, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(6) This section applies only where that instrument comes into operation after the commencement of this act.

45.—(1) Where there is a quitrent, chief-rent, rent-charge, or other annual sum issuing out of land (in this section referred to as the rent), the copy-hold commissioners shall at any time, on the requisition of the owner of the land, or of any person interested therein, certify the amount of money in consideration whereof the rent may be redeemed.

(2) Where the person entitled to the rent is absolutely entitled thereto in fee-simple in possession, or is empowered to dispose thereof absolutely, or to give an absolute discharge for the capital value thereof, the owner of the land, or any person interested therein, may, after serving one month's notice on the person entitled to the rent, pay or tender to that person the amount certified by the commissioners.

(3) On proof to the commissioners that payment or tender has been so made, they shall certify that the rent is redeemed under this act; and that certificate shall be final and conclusive, and the land shall be thereby absolutely freed and discharged from the rent.

(4) Every requisition under this section shall be in writing, and every certificate under this section shall be in writing, sealed with the seal of the commissioners.

(5) This section does not apply to tithe rent-charge, or to a rent reserved on a sale or lease, or to a rent made payable under a grant or license for building purposes, or to any sum or payment issuing out of land not being perpetual.

(6) This section applies to rents payable at or created after the commencement of this act.

(7) This section does not extend to Ireland.

XI.—POWERS OF ATTORNEY.

46.—(1) The donee of a power of attorney may, if he thinks fit, execute or do any assurance, instrument, or thing in and with his own name and signature and his own seal, where sealing is required, by the authority of the donor of the power; and every assurance, instrument, and thing so executed and done shall be as effectual in law, to all intents, as if it had been executed or done by the donee of the power in the name and with the signature and seal of the donor thereof.

(2) This section applies to powers of attorney created by instruments executed either before or after the commencement of this act.

47.—(1) Any person making or doing any payment or act, in good faith, in pursuance of a power of attorney, shall not be liable in respect of the payment or act by reason that before the payment or act the donor of the power had died or become lunatic, of unsound mind, or bankrupt, or had revoked the power, if the fact of death, lunacy, unsoundness of mind, bankruptcy, or revocation was not at the time of the payment or act known to the person making or doing the same.

(2) But this section shall not affect any right against the payee of any person interested in any money so paid; and that person shall have the like remedy against the payee as he would have had against the payer if the payment had not been made by him.

(3) This section applies only to payments and acts made and done after the commencement of this act.

48.—(1) An instrument creating a power of attorney, its execution being verified by affidavit, statutory declaration, or other sufficient evidence, may, with the affidavit or declaration, if any, be deposited in the central office of the supreme court of judicature.

(2) A separate file of instruments so deposited shall be kept, and any person may search that file, and inspect every instrument so deposited, and an office copy thereof shall be delivered out to him on request.

(3) A copy of an instrument so deposited may be presented at the office, and may be stamped or marked as an office copy, and when so stamped or marked shall become and be an office copy.

(4) An office copy of an instrument so deposited shall without further proof be sufficient evidence of the contents of the instrument and of the deposit thereof in the central office.

(5) General rules may be made for purposes of this section, regulating the practice of the central office, and prescribing, with the concurrence of the commissioners of Her Majesty's treasury, the fees to be taken therein.

(6) This section applies to instruments creating powers of attorney executed either before or after the commencement of this act.

XII.—CONSTRUCTION AND EFFECT OF DEEDS AND OTHER INSTRUMENTS.

49.—(1) It is hereby declared that the use of the word *grant* is not necessary in order to convey tenements or hereditaments, corporeal or incorporeal.

(2) This section applies to conveyances made before or after the commencement of this act.

50.—(1) Freehold land, or a thing in action, may be conveyed by a person to himself jointly with another person, by the like means by which it might be conveyed by him to another person; and may, in like manner, be conveyed by a husband to his wife, and by a wife to her husband, alone or jointly with another person.

(2) This section applies only to conveyances made after the commencement of this act.

51.—(1) In a deed it shall be sufficient, in the limitation of an estate in fee-simple, to use the words in fee-simple, without the word *heirs*; and in the limitation of an estate in tail, to use the words in tail without the words *heirs of the body*; and in the limitation of an estate in tail male or in tail female, to use the words in tail male, or in tail female, as the case requires, without the words *heirs male of the body*, or *heirs female of the body*.

(2) This section applies only to deeds executed after the commencement of this act.

52.—(1) A person to whom any power, whether coupled with an interest or not, is given may by deed release, or contract not to exercise, the power.

(2) This section applies to powers created by instruments coming into operation either before or after the commencement of this act.

53.—(1) A deed expressed to be supplemental to a previous deed, or directed to be read as an annex thereto, shall, as far as may be, be read and have effect as if the deed so expressed or directed were made by way of indorsement on the previous deed, or contained a full recital thereof.

(2) This section applies to deeds executed either before or after the commencement of this act.

54.—(1) A receipt for consideration money or securities in the body of a deed shall be a sufficient discharge for the same to the person paying or delivering the same, without any further receipt for the same being indorsed on the deed.

(2) This section applies only to deeds executed after the commencement of this act.

55.—(1) A receipt for consideration money or other consideration in the body of a deed or indorsed thereon shall, in favor of a subsequent purchaser, not having notice that the money or other consideration thereby acknowledged to be received was not in fact paid or given, wholly or in part, be sufficient evidence of the payment or giving of the whole amount thereof.

(2) This section applies only to deeds executed after the commencement of this act.

56.—(1) Where a solicitor produces a deed, having in the body thereof or indorsed thereon a receipt for consideration money or other consideration, the deed being executed, or the indorsed receipt being signed by the person entitled to give a receipt for that consideration, the deed shall be sufficient authority to the person liable to pay or give the same for his paying or giving the same to the solicitor, without the solicitor producing any separate or other direction or authority in that behalf from the person who executed or signed the deed or receipt.

(2) This section applies only in cases where consideration is to be paid or given after the commencement of this act.

57.—Deeds in the form of and using the expressions in the forms given in the fourth schedule to this act, or in the like form or using expressions to the like effect, shall, as regards form and expression in relation to the provisions of this act, be sufficient.

58.—(1) A covenant relating to land of inheritance, or devolving on the heir as special occupant, shall be deemed to be made with the covenantee, his heirs and assigns, and shall have effect as if heirs and assigns were expressed.

(2) A covenant relating to land not of inheritance, or not devolving on the heir as special occupant, shall be deemed to be made with the covenantee, his executors, administrators, and assigns, and shall have effect as if executors, administrators, and assigns were expressed.

(3) This section applies only to covenants made after the commencement of this act.

59.—(1) A covenant, and a contract under seal, and a bond or obligation under seal though not expressed to bind the heirs, shall operate in law to bind the heirs and real estate, as well as the executors and administrators and personal estate, of the person making the same, as if heirs were expressed.

(2) This section extends to a covenant implied by virtue of this act.

(3) This section applies only if and as far as a contrary intention is not expressed in the covenant, contract, bond, or obligation, and shall have effect subject to the terms of the covenant, contract, bond, or obligation, and to the provisions therein contained.

(4) This section applies only to a covenant, contract, bond, or obligation made or implied after the commencement of this act.

60.—(1) A covenant, and a contract under seal, and a bond or obligation under seal, made with two or more jointly, to pay money or to make a conveyance, or to do any other act, to them or for their benefit, shall be deemed to include, and shall, by virtue of this act, imply, an obligation to do the act to, or for the benefit of, the survivor or survivors of them, and to, or for the benefit of, any other person to whom the right to sue on the covenant, contract, bond, or obligation devolves.

(2) This section extends to a covenant implied by virtue of this act.

(3) This section applies only if and as far as a contrary intention is not expressed in the covenant, contract, bond, or obligation, and shall have effect subject to the covenant, contract, bond, or obligation, and to the provisions therein contained.

(4) This section applies only to a covenant, contract, bond, or obligation made or implied after the commencement of this act.

61.—(1) Where in a mortgage, or an obligation for payment of money, or a transfer of a mortgage or of such an obligation, the sum, or any part of the sum, advanced or owing is expressed to be advanced by or owing to more persons than one out of money, or as money, belonging to them on a joint account, or a mortgage, or such an obligation, or such a transfer is made to more persons than one, jointly, and not in shares, the mortgage money, or other money, or money's worth for the time being due to those persons on the mortgage or obligation, shall be deemed to be and remain money or money's worth belonging to those persons on a joint account, as between them and the mortgagee or obligor, and the receipt in writing of the survivors or last survivor of them, or of the personal representatives of the last survivor, shall be a complete discharge for all money or money's worth for the time being due, notwithstanding any notice to the payer of a severance of the joint account.

(2) This section applies only if and as far as a contrary intention is not expressed in the mortgage, or obligation, or transfer, and shall have effect subject to the terms of the mortgage, or obligation, or transfer, and to the provisions therein contained.

(3) This section applies only to a mortgage, or obligation, or transfer made after the commencement of this act.

62.—(1) A conveyance of freehold land to the use that any person may have, for an estate or interest not exceeding in duration the estate conveyed in the land, any easement, right, liberty or privilege in, or over, or with respect to that land, or any part thereof, shall operate to vest in possession in that person that easement, right, liberty, or privilege, for the

estate or interest expressed to be limited to him; and he, and the persons deriving title under him, shall have, use, and enjoy the same accordingly.

(2) This section applies only to conveyances made after the commencement of this act.

63.—(1) Every conveyance shall, by virtue of this act, be effectual to pass all the estate, right, title, interest, claim, and demand which the conveying parties respectively have in, to, or on the property conveyed, or expressed or intended so to be, or which they respectively have power to convey in, to, or on the same.

(2) This section applies only if and as far as a contrary intention is not expressed in the conveyance, and shall have effect subject to the terms of the conveyance and to the provisions therein contained.

(3) This section applies only to conveyances made after the commencement of this act.

64.—In the construction of a covenant or proviso, or other provision, implied in a deed by virtue of this act, words importing the singular or plural number, or the masculine gender, shall be read as also importing the plural or singular number, or as extending to females, as the case may require.

XIII.—LONG TERMS.

65.—(1) Where a residue unexpired of not less than two hundred years of a term, which, as originally created, was for not less than three hundred years, is subsisting in land, whether being the whole land originally comprised in the term, or part only thereof, without any trust or right of redemption affecting the term in favor of the freeholder, or other person entitled in reversion expectant on the term, and without any rent, or with merely a pepper-corn rent or other rent having no money value, incident to the reversion, or having had a rent, not being merely a pepper-corn rent or other rent having no money value, originally so incident, which subsequently has been released, or has become barred by lapse of time, or has in any other way ceased to be payable, then the term may be enlarged into a fee-simple in the manner, and subject to the restrictions, in this section provided.

(2) Each of the following persons, namely:

(i) Any person beneficially entitled in right of the term, whether subject to any encumbrance or not, to possession of any land comprised in the term; but, in case of a married woman, with the concurrence of her husband, unless she is entitled for her separate use, whether with restraint on anticipation or not, and then without his concurrence;

(ii) Any person being in receipt of income as trustee, in right of the term, or having the term vested in him in trust for sale, whether subject to any encumbrance or not;

(iii) Any person in whom, as personal representative of any deceased person, the term is vested, whether subject to any encumbrance or not;

shall, as far as regards the land to which he is entitled, or in which he is interested, in right of the term, in any such character as aforesaid, have power by deed to declare to the effect that, from and after the execution of the deed, the term shall be enlarged into a fee-simple.

(3) Thereupon, by virtue of the deed and of this act, the term shall become and be enlarged accordingly, and the person in whom the term was previously vested shall acquire and have in the land a fee-simple instead of the term.

(4) The estate in fee-simple so acquired by enlargement shall be subject to all the same trusts, powers, executory limitations over, rights, and equities, and to all the same covenants and provisions relating to user and enjoyment, and to all the same obligations of every kind, as the term would have been subject to if it had not been so enlarged.

(5) But where any land so held for the residue of a term has been settled in trust by reference to other land, being freehold land, so as to go along with that other land as far as the law permits, and, at the time of enlargement, the ultimate beneficial interest in the term, whether subject to any subsisting particular estate or not, has not become absolutely and indefeasibly vested in any person, then the estate in fee-simple acquired as aforesaid shall, without prejudice to any conveyance for value previously made by a person having a contingent or defeasible interest in the term, be liable to be, and shall be conveyed and settled in like man-

ner as the other land, being freehold land, aforesaid, and until so conveyed and settled shall devolve beneficially as if it had been so conveyed and settled.

(6) The estate in fee-simple so acquired shall, whether the term was originally created without impeachment of waste or not, include the fee-simple in all mines and minerals which at the time of enlargement have not been severed in right, or in fact, or have not been severed or reserved by an inclosure act or award.

(7) This section applies to every such term as aforesaid subsisting at or after the commencement of this act.

XIV.—ADOPTION OF ACT.

66.—(1) It is hereby declared that the powers given by this act to any person, and the covenants, provisions, stipulations, and words which under this act are to be deemed included or implied in any instrument, or are by this act made applicable to any contract for sale or other transaction, are and shall be deemed in law proper powers, covenants, provisions, stipulations, and words, to be given by or to be contained in any such instrument, or to be adopted in connection with, or applied to, any such contract or transaction; and a solicitor shall not be deemed guilty of neglect or breach of duty, or become in any way liable, by reason of his omitting, in good faith, in any such instrument, or in connection with any such contract or transaction, to negative the giving, inclusion, implication, or application of any of those powers, covenants, provisions, stipulations, or words, or to insert or apply any others in place thereof, in any case where the provisions of this act would allow of his doing so.

(2) But nothing in this act shall be taken to imply that the insertion in any such instrument, or the adoption in connection with, or the application to, any contract or transaction, of any further or other powers, covenants, provisions, stipulations, or words is improper.

(3) Where the solicitor is acting for trustees, executors, or other persons in a fiduciary position, those persons shall also be protected in like manner.

(4) Where such persons are acting without a solicitor, they shall also be protected in like manner.

XV.—MISCELLANEOUS.

67.—(1) Any notice required or authorized by this act to be served shall be in writing.

(2) Any notice required or authorized by this act to be served on a lessee or mortgageor shall be sufficient, although only addressed to the lessee or mortgageor by that designation, without his name, or generally to the persons interested, without any name, and notwithstanding that any person to be affected by the notice is absent, under disability, unborn, or unascertained.

(3) Any notice required or authorized by this act to be served shall be sufficiently served if it is left at the last-known place of abode or business in the United Kingdom of the lessee, lessor, mortgagee, mortgageor, or other person to be served, or, in case of a notice required or authorized to be served on a lessee or mortgageor, is affixed or left for him on the land or any house or building comprised in the lease or mortgage, or, in case of a mining lease, is left for the lessee at the office or counting-house of the mine.

(4) Any notice required or authorized by this act to be served shall also be sufficiently served, if it is sent by post in a registered letter addressed to the lessee, lessor, mortgagee, mortgageor, or other person to be served, by name, at the aforesaid place of abode or business, office, or counting-house, and if that letter is not returned through the post-office undelivered; and that service shall be deemed to be made at the time at which the registered letter would in the ordinary course be delivered.

(5) This section does not apply to notices served in proceedings in the court.

68.—The act described in Part II of the first schedule to this act shall, by virtue of this act, have the short title of the statutory declarations act, 1835, and may be cited by that short title in any declaration made for any purpose under or by virtue of that act, or in any other document, or in any act of Parliament.

XVI.—COURT, PROCEDURE, ORDERS.

69.—(1) All matters within the jurisdiction of the court under this act shall, subject to the acts regulating the court, be assigned to the chancery division of the court.

(2) Payment of money into court shall effectually exonerate therefrom the person making the payment.

(3) Every application to the court shall, except where it is otherwise expressed, be by summons at chambers.

(4) On an application by a purchaser notice shall be served in the first instance on the vendor.

(5) On an application by a vendor notice shall be served in the first instance on the purchaser.

(6) On any application notice shall be served on such persons, if any, as the court thinks fit.

(7) The court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges, or expenses of all or any of the parties to any application.

(8) General rules for purposes of this act shall be deemed rules of court within section 17 of the appellate jurisdiction act, 1876, and may be made accordingly.

(9) The powers of the court may, as regards land in the county palatine of Lancaster, be exercised also by the court of chancery of the county palatine; and rules for regulating proceedings in that court shall be from time to time made by the chancellor of the Duchy of Lancaster, with the advice and consent of a judge of the high court acting in the chancery division, and of the vice-chancellor of the county palatine.

(10) General rules, and rules of the court of chancery of the county palatine, under this act may be made at any time after the passing of this act, to take effect on or after the commencement of this act.

70.—(1) An order of the court under any statutory or other jurisdiction shall not as against a purchaser be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice, or service, whether the purchaser has notice of any such want or not.

(2) This section shall have effect with respect to any lease, sale, or other act under the authority of the court, and purporting to be in pursuance of the settled estates act, 1877, notwithstanding the exception in section 40 of that act, or to be in pursuance of any former act repealed by that act, notwithstanding any exception in such former act.

(3) This section applies to all orders made before or after the commencement of this act, except any order which has before the commencement of this act been set aside or determined to be invalid on any ground, and except any order as regards which an action or proceeding is at the commencement of this act pending for having it set aside or determined to be invalid.

XVII.—REPEALS.

71.—(1) The enactments described in Part III of the second schedule to this act are hereby repealed.

(2) The repeal by this act of any enactment shall not affect the validity or invalidity, or any operation, effect, or consequence, of any instrument executed or made, or of any thing done or suffered before the commencement of this act, or any action, proceeding, or thing then pending or uncompleted; and every such action, proceeding, and thing may be carried on and completed as if there had been no such repeal in this act; but this provision shall not be construed as qualifying the provision of this act relating to section 40 of the settled estates act, 1877, or any former act repealed by that act.

XVIII.—IRELAND.

72.—(1) In the application of this act to Ireland the foregoing provision shall be modified as in this section provided.

(2) The court shall be Her Majesty's high court of justice in Ireland.

(3) All matters within the jurisdiction of that court shall, subject to the acts regulating that court, be assigned to the chancery division of that court; but general rules under this act may direct that any of those matters be assigned to the land judges of that division.

(4) The proper office of the supreme court of judicature in Ireland shall be substituted for the central office of the supreme court of judicature.

(5) General rules for purposes of this act for Ireland shall be deemed rules of court within the supreme court of judicature act (Ireland), 1877, and may be made accordingly, at any time after the passing of this act, to take effect on or after the commencement of this act.

73.—(1) Section 5 of the vendor and purchaser act, 1874, is hereby repealed from and after the commencement of this act, as regards cases of death thereafter happening; and section 7 of the vendor and purchaser act, 1874, is hereby repealed as from the date at which it came into operation.

(2) This section extends to Ireland only.

CONVEYANCING ACT, 1882.

CHAPTER 39.

An act for further improving the practice of conveyancing; and for other purposes. (August 10, 1882.)

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PRELIMINARY.

1.—(1) This act may be cited as the conveyancing act, 1882, and the conveyancing and law of property act, 1881 (in this act referred to as the conveyancing act of 1881), and this act may be cited together as the conveyancing acts, 1881, 1882.

(2) This act, except where it is otherwise expressed, shall commence and take effect from and immediately after the 31st of December, 1882, which time is in this act referred to as the commencement of this act.

(3) This act does not extend to Scotland.

(4) In this act and in the schedule thereto—

(i) Property includes real and personal property, and any debt, and any thing in action, and any other right or interest in the nature of property, whether in possession or not.

(ii) Purchaser includes a lessee or mortgagee, or an intending purchaser, lessee, or mortgagee, or other person, who, for valuable consideration, takes or deals for property, and purchase has a meaning corresponding with that of purchaser.

(iii) The act of the session of the third and fourth years of King William the Fourth (chapter 74) "for the abolition of fines and recoveries, and for the substitution of more simple modes of assurance" is referred to as the fines and recoveries act; and the act of the session of the four and fifth years of King William the Fourth (chapter 92) "for the abolition of fines and recoveries, and for the substitution of more simple modes of assurance in Ireland" is referred to as the fines and recoveries (Ireland) act.

SEARCHES.

2.—(1) Where any person requires, for purposes of this section, search to be made in the central office of the supreme court of judicature for entries of judgments, deeds, or other matters or documents, whereof entries are required or allowed to be made in that office by any act described in Part I of the first schedule to the conveyancing act of 1881, or by any other act, he may deliver in the office a requisition in that behalf, referring to this section.

(2) Thereupon the proper officer shall diligently make the search required, and shall make and file in the office a certificate setting forth the result thereof, and office copies of that certificate shall be issued on requisition, and an office copy shall be evidence of the certificate.

(3) In favor of a purchaser, as against persons interested under or in respect of judgments, deeds, or other matters or documents, whereof entries are required or allowed as aforesaid, the certificate, according to the tenor thereof, shall be conclusive, affirmatively or negatively, as the case may be.

(4) Every requisition under this section shall be in writing, signed by the person making the same, specifying the name against which he desires search to be made, or in relation to which he requires an office copy certificate of result of search, and other sufficient particulars, and the person making any such requisition shall not be entitled to a search, or an office copy certificate, until he has satisfied the proper officer that the same is required for the purposes of this section.

(5) General rules shall be made for purposes of this section, prescribing forms and contents of requisitions and certificates, and regulating the practice of the office, and prescribing, with the concurrence of the commissioners of Her Majesty's treasury, the fees to be taken therein, which rules shall be deemed rules of court within section 17 of the appellate jurisdiction act, 1876, as altered by section 19 of the supreme court of judicature act, 1881, and may be made, at any time after the passing of this act, to take effect on or after the commencement of this act.

(6) If any officer, clerk, or person employed in the office commits, or is party or privy to, any act of fraud or collusion, or is willfully negligent, in the making of or otherwise in relation to any certificate or office copy under this section, he shall be guilty of a misdemeanor.

(7) Nothing in this section or in any rule made thereunder shall take away, abridge, or prejudicially affect any right which any person may have independently of this section to make any search in the office, and every such search may be made as if this section or any such rule had not been enacted or made.

(8) Where a solicitor obtains an office copy certificate of result of search under this section, he shall not be answerable in respect of any loss that may arise from error in the certificate.

(9) Where the solicitor is acting for trustees, executors, agents, or other persons in a fiduciary position, those persons also shall not be so answerable.

(10) Where such persons obtain such an office copy without a solicitor, they shall also be protected in like manner.

(11) Nothing in this section applies to deeds enrolled under the fines and recoveries act, or under any other act, or under any statutory rule.

(12) This section does not extend to Ireland.

NOTICE.

3.—(1) A purchaser shall not be prejudicially affected by notice of any instrument, fact, or thing unless—

(i) It is within his own knowledge, or would have come to his knowledge if such inquiries and inspections had been made as ought reasonably to have been made by him; or

(ii) In the same transaction with respect to which a question of notice to the purchaser arises, it has come to the knowledge of his counsel, as such, or of his solicitor, or other agent, as such, or would have come to the knowledge of his solicitor, or other agent, as such, if such inquiries and inspections had been made as ought reasonably to have been made by the solicitor or other agent.

(2) This section shall not exempt a purchaser from any liability under, or any obligation to perform or observe, any covenant, condition, provision, or restriction contained in any instrument under which his title is derived, mediately or immediately, and such liability or obligation may be enforced in the same manner and to the same extent as if this section had not been enacted.

(3) A purchaser shall not by reason of any thing in this section be affected by notice in any case where he would not have been so affected if this section had not been enacted.

(4) This section applies to purchases made either before or after the commencement of this act, save that, where an action is pending at the commencement of this act, the rights of the parties shall not be affected by this section.

LEASES.

4.—(1) Where a lease is made under a power contained in a settlement, will, act of Parliament, or other instrument, any preliminary contract for or relating to the lease shall not, for the purpose of the deduction of title to an intended assign, form part of the title, or evidence of the title, to the lease.

(2) This section applies to leases made either before or after the commencement of this act.

SEPARATE TRUSTEES.

5.—(1) On an appointment of new trustees, a separate set of trustees may be appointed for any part of the trust property held on trusts distinct from those relating to any other part or parts of the trust property, or, if only one trustee was originally appointed, then one separate trustee may be so appointed for the first-mentioned part.

(2) This section applies to trusts created either before or after the commencement of this act.

POWERS.

6.—(1) A person to whom any power, whether coupled with an interest or not, is given, may, by deed, disclaim the power, and, after disclaimer, shall not be capable of exercising or joining in the exercise of the power.

(2) On such disclaimer, the power may be exercised by the other or others, or the survivors or survivor of the others, of the persons to whom the power is given, unless the contrary is expressed in the instrument creating the power.

(3) This section applies to powers created by instruments coming into operation either before or after the commencement of this act.

MARRIED WOMEN.

7.—(1) In section 79 of the fines and recoveries act, and section 70 of the fines and recoveries (Ireland) act, there shall, by virtue of this act, be substituted for the words "two of the perpetual commissioners, or two special commissioners," the words "one of the perpetual commissioners, or one special commissioner," and in section 83 of the fines and recoveries act, and section 74 of the fines and recoveries (Ireland) act, there shall, by virtue of this act, be substituted for the word "persons" the word "person," and for the word "commissioners" the words "a commissioner;" and all other provisions of those acts, and all other enactments having reference in any manner to the sections aforesaid, shall be read and have effect accordingly.

(2) Where the memorandum of acknowledgment by a married woman of a deed purports to be signed by a person authorized to take the acknowledgment, the deed shall, as regards the execution thereof by the married woman, take effect at the time of acknowledgment, and shall be conclusively taken to have been duly acknowledged.

(3) A deed acknowledged before or after the commencement of this act by a married woman, before a judge of the high court of justice in England or Ireland, or before a judge of a county court in England, or before a chairman in Ireland, or before a perpetual commissioner or a special commissioner, shall not be impeached or impeachable by reason only that such judge, chairman, or commissioner was interested or concerned either as a party, or as solicitor, or clerk to the solicitor for one of the parties, or otherwise, in the transaction giving occasion for the acknowledgment; and general rules shall be made for preventing any person interested or concerned as aforesaid from taking an acknowledgment; but no such rule shall make invalid any acknowledgment; and those rules shall, as regards England, be deemed rules of

court within section 17 of the appellate jurisdiction act, 1876, as altered by section 19 of the supreme court of judicature act, 1881, and shall, as regards Ireland, be deemed rules of court within the supreme court of judicature act (Ireland), 1877, and may be made accordingly, for England and Ireland respectively, at any time after the passing of this act, to take effect on or after the commencement of this act.

(4) The enactments described in the schedule to this act are hereby repealed.

(5) The foregoing provisions of this section, including the repeal therein, apply only to the execution of deeds by married women after the commencement of this act.

(6) Notwithstanding the repeal or any other thing in this section, the certificate, if not lodged before the commencement of this act, of the taking of an acknowledgment by a married woman of a deed executed before the commencement of this act, with any affidavit relating thereto, shall be lodged, examined, and filed in the like manner and with the like effects and consequences as if this section had not been enacted.

(7) There shall continue to be kept in the proper office of the supreme court of judicature an index to all certificates of acknowledgments of deeds by married women lodged therein, before or after the commencement of this act, containing the names of the married women and their husbands, alphabetically arranged, and the dates of the certificates and of the deeds to which they respectively relate, and other particulars found convenient; and every such certificate lodged after the commencement of this act shall be entered in the index as soon as may be after the certificate is filed.

(8) An office copy of any such certificate filed before or after the commencement of this act shall be delivered to any person applying for the same; and every such office copy shall be received as evidence of the acknowledgment of the deed to which the certificate refers.

POWERS OF ATTORNEY.

8.—(1) If a power of attorney, given for valuable consideration, is in the instrument creating the power expressed to be irrevocable, then, in favor of a purchaser—

(i) The power shall not be revoked at any time, either by any thing done by the donor of the power without the concurrence of the donee of the power, or by the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power; and

(ii) Any act done at any time by the donee of the power, in pursuance of the power, shall be as valid as if any thing done by the donor of the power without the concurrence of the donee of the power, or the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power, had not been done or happened; and

(iii) Neither the donee of the power nor the purchaser shall at any time be prejudicially affected by notice of any thing done by the donor of the power, without the concurrence of the donee of the power, or of the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power.

(2) This section applies only to powers of attorney created by instruments executed after the commencement of this act.

9.—(1) If a power of attorney, whether given for valuable consideration or not, is in the instrument creating the power expressed to be irrevocable for a fixed time therein specified, not exceeding one year from the date of the instrument, then, in favor of a purchaser—

(i) The power shall not be revoked, for and during that fixed time, either by any thing done by the donor of the power without the concurrence of the donee of the power, or by the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power; and

(ii) Any act done within that fixed time, by the donee of the power, in pursuance of the power, shall be as valid as if any thing done by the donor of the power without the concurrence of the donee of the power, or the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power, had not been done or happened; and

(iii) Neither the donee of the power, nor the purchaser, shall at any time be prejudicially affected by notice either during or after that fixed time of any thing done by the donor of the

power during that fixed time, without the concurrence of the donee of the power, or of the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power within that fixed time.

(2) This section applies only to powers of attorney created by instruments executed after the commencement of this act.

EXECUTORY LIMITATIONS.

10.—(1) Where there is a person entitled to land for an estate in fee, or for a term of years absolute or determinable on life, or for term of life, with an executory limitation over on default or failure of all or any of his issue, whether within or at any specified period of time or not, that executory limitation shall be or become void and incapable of taking effect, if and as soon as there is living any issue who has attained the age of twenty-one years, of the class on default or failure whereof the limitation over was to take effect.

(2) This section applies only where the executory limitation is contained in an instrument coming into operation after the commencement of this act.

LONG TERMS.

11.—Section 65 of the conveyancing act of 1881 shall apply to and include, and shall be deemed to have always applied to and included, every such term as in that section mentioned, whether having as the immediate reversion thereon the freehold or not; but not—

- (i) Any term liable to be determined by re-entry for condition broken; or
- (ii) Any term created by subdemise out of a superior term, itself incapable of being enlarged into a fee-simple.

MORTGAGES.

12.—The right of the mortgageor, under section 15 of the conveyancing act of 1881, to require a mortgagee, instead of reconveying, to assign the mortgage debt and convey the mortgaged property to a third person, shall belong to and be capable of being enforced by each encumbrancer, or by the mortgageor, notwithstanding any intermediate encumbrance; but a requisition of an encumbrancer shall prevail over a requisition of the mortgageor, and, as between encumbrancers, a requisition of a prior encumbrancer shall prevail over a requisition of a subsequent encumbrancer.

SAVING.

13.—The repeal by this act of any enactment shall not affect any right accrued or obligation incurred thereunder before the commencement of this act; nor shall the same affect the validity or invalidity, or any operation, effect, or consequence, of any instrument executed or made, or of any thing done or suffered, before the commencement of this act; nor shall the same affect any action, proceeding, or thing then pending or uncompleted; and every such action, proceeding, and thing may be carried on and completed as if there had been no such repeal in this act.

BILLS OF SALE ACT, 1878.

CHAPTER 31.

An act to consolidate and amend the law for preventing frauds upon creditors by secret bills of sale of personal chattels. (July 22, 1878.)

Whereas it is expedient to consolidate and amend the law relating to bills of sale of personal chattels:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows:

1.—This act may be cited for all purposes as the bills of sale act, 1878.

2.—This act shall come into operation on the 1st day of January, 1879, which day is in this act referred to as the commencement of this act.

3.—This act shall apply to every bill of sale executed on or after the 1st day of January, 1879 (whether the same be absolute, or subject or not subject to any trust), whereby the holder or grantee has power, either with or without notice, and either immediately or at any future time, to seize or take possession of any personal chattels comprised in or made subject to such bill of sale.

4.—In this act the following words and expressions shall have the meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction, that is to say:

The expression "bill of sale" shall include bills of sale, assignments, transfers, declarations of trust without transfer, inventories of goods with receipt thereto attached, or receipts for purchase-moneys of goods, and other assurances of personal chattels as security for any debt, and also any agreement, whether intended or not to be followed by the execution of any other instrument by which a right in equity to any personal chattels, or to any charge or security thereon, shall be conferred, but shall not include the following documents; that is to say, assignments for the benefit of the creditors of the person making or giving the same, marriage settlements, transfers or assignments of any ship or vessel or any share thereof, transfers of goods in the ordinary course of business of any trade or calling, bills of sale of goods in foreign parts or at sea, bills of lading, India warrants, warehouse-keepers' certificates, warrants or orders for the delivery of goods, or any other documents used in the ordinary course of business as proof of possession or control of goods, or authorizing or purporting to authorize, either by indorsement or by delivery, the possessor of such document to transfer or receive goods thereby represented:

The expression "personal chattels" shall mean goods, furniture, and other articles capable of complete transfer by delivery, and (when separately assigned or charged) fixtures and growing crops, but shall not include chattel interests in real estate, nor fixtures (except trade machinery as hereinafter defined), when assigned together with a freehold or leasehold interest in any land or building to which they are affixed, nor growing crops when assigned together with any interest in the land on which they grow, nor shares or interests in the stock, funds, or securities of any government, or in the capital or property of incorporated or joint-stock companies, nor choses in action, nor any stock or produce upon any farm or lands which by virtue of any covenant or agreement or of the custom of the country ought not to be removed from any farm where the same are at the time of making or giving of such bill of sale:

Personal chattels shall be deemed to be in the apparent possession of the person making or giving a bill of sale, so long as they remain or are in or upon any house, mill, warehouse, building, works, yard, land, or other premises occupied by him, or are used and enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof may have been taken by or given to any other person:

"Prescribed" means prescribed by rules made under the provisions of this act.

5.—From and after the commencement of this act trade machinery shall, for the purposes of this act, be deemed to be personal chattels, and any mode of disposition of trade machinery by the owner thereof which would be a bill of sale as to any other personal chattels shall be deemed to be a bill of sale within the meaning of this act.

For the purposes of this act—

"Trade machinery" means the machinery used in or attached to any factory or workshop:

(1) Exclusive of the fixed motive powers, such as the water-wheels and steam-engines, and the steam-boilers, donkey-engines, and other fixed appurtenances of the said motive powers; and,

(2) Exclusive of the fixed power machinery, such as the shafts, wheels, drums, and their fixed appurtenances, which transmit the action of the motive powers to the other machinery, fixed and loose; and,

(3) Exclusive of the pipes for steam, gas, and water in the factory or workshop.

The machinery or effects excluded by this section from the definition of trade machinery shall not be deemed to be personal chattels within the meaning of this act.

"Factory or workshop" means any premises on which any manual labor is exercised by way of trade, or for purposes of gain, in or incidental to the following purposes or any of them; that is to say,

- (a) In or incidental to the making any article or part of an article; or
- (b) In or incidental to the altering, repairing, ornamenting, finishing, of any article; or
- (c) In or incidental to the adapting for sale any article.

6.—Every attornment, instrument, or agreement, not being a mining lease, whereby a power of distress is given or agreed to be given by any person to any other person by way of security for any present, future, or contingent debt or advance, and whereby any rent is reserved or made payable as a mode of providing for the payment of interest on such debt or advance, or otherwise for the purpose of such security only, shall be deemed to be a bill of sale, within the meaning of this act, of any personal chattels which may be seized or taken under such power of distress.

Provided, that nothing in this section shall extend to any mortgage of any estate or interest in any land, tenement, or hereditament which the mortgagee, being in possession, shall have demised to the mortgageor as his tenant at a fair and reasonable rent.

7.—No fixtures or growing crops shall be deemed, under this act, to be separately assigned, or charged by reason only that they are assigned by separate words, or that power is given to sever them from the land or building to which they are affixed, or from the land on which they grow, without otherwise taking possession of or dealing with such land or building, or land, if by the same instrument any freehold or leasehold interest in the land or building to which such fixtures are affixed, or in the land on which such crops grow, is also conveyed or assigned to the same persons or person.

The same rule of construction shall be applied to all deeds or instruments, including fixtures or growing crops, executed before the commencement of this act and then subsisting and in force, in all questions arising under any bankruptcy, liquidation, assignment for the benefit of creditors, or execution of any process of any court, which shall take place or be issued after the commencement of this act.

8.—Every bill of sale to which this act applies shall be duly attested and shall be registered under this act, within seven days after the making or giving thereof, and shall set forth the consideration for which such bill of sale was given, otherwise such bill of sale, as against all trustees or assignees of the estate of the person whose chattels, or any of them, are comprised in such bill of sale under the law relating to bankruptcy or liquidation, or under any assignment for the benefit of the creditors of such person, and also as against all sheriffs' officers and other persons seizing any chattels comprised in such bill of sale, in the execution of any process of any court authorizing the seizure of the chattels of the person by whom or of whose chattels such bill has been made, and also as against every person on whose behalf such process shall have been issued, shall be deemed fraudulent and void so far as regards the property in or right to the possession of any chattels comprised in such bill of sale which, at or after the time of filing the petition for bankruptcy or liquidation, or of the execution of such process (as the case may be), and after the expiration of such seven days are in the possession or apparent possession of the person making such bill of sale (or of any person against whom the process has issued under or in the execution of which such bill has been made or given, as the case may be).

9.—Where a subsequent bill of sale is executed within or on the expiration of seven days after the execution of a prior unregistered bill of sale, and comprises all or any part of the personal chattels comprised in such prior bill of sale, then, if such subsequent bill of sale is given as a security for the same debt as is secured by the prior bill of sale, or for any part of such debt, it shall, to the extent to which it is a security for the same debt or part thereof, and so far as respects the personal chattels or part thereof comprised in the prior bill, be absolutely

void, unless it is proved to the satisfaction of the court having cognizance of the case that the subsequent bill of sale was bona fide given for the purpose of correcting some material error in the prior bill of sale, and not for the purpose of evading this act.

10.—A bill of sale shall be attested and registered under this act in the following manner:

(1) The execution of every bill of sale shall be attested by a solicitor of the supreme court, and the attestation shall state that before the execution of the bill of sale the effect thereof has been explained to the grantor by the attesting solicitor.

(2) Such bill, with every schedule or inventory thereto annexed or therein referred to, and also a true copy of such bill and of every such schedule or inventory, and of every attestation of the execution of such bill of sale, together with an affidavit of the time of such bill of sale being made or given, and of its due execution and attestation, and a description of the residence and occupation of the person making or giving the same (or in case the same is made or given by any person under or in the execution of any process, then a description of the residence and occupation of the person against whom such process issued), and of every attesting witness to such bill of sale, shall be presented to and the said copy and affidavit shall be filed with the registrar within seven clear days after the making or giving of such bill of sale, in like manner as a warrant of attorney in any personal action given by a trader is now by law required to be filed.

(3) If the bill of sale is made or given subject to any defeasance or condition, or declaration of trust not contained in the body thereof, such defeasance, condition, or declaration shall be deemed to be part of the bill, and shall be written on the same paper or parchment therewith before the registration, and shall be duly set forth in the copy filed under this act therewith and as part hereof, otherwise the registration shall be void.

In case two or more bills of sale are given, comprising in whole or in part of any of the same chattels, they shall have priority in the order of the date of their registration respectively as regards such chattels.

A transfer or assignment of a registered bill of sale need not be registered.

11.—The registration of a bill of sale, whether executed before or after the commencement of this act, must be renewed once at least every five years, and if a period of five years elapses from the registration or renewed registration of a bill of sale without a renewal or further renewal (as the case may be), the registration shall become void.

The renewal of a registration shall be effected by filing with the registrar an affidavit stating the date of the bill of sale and of the last registration thereof, and the names, residences, and occupations of the parties thereto as stated therein, and that the bill of sale is still a subsisting security.

Every such affidavit may be in the form set forth in the schedule (A) to this act annexed.

A renewal of registration shall not become necessary by reason only of a transfer or assignment of a bill of sale.

12.—The registrar shall keep a book (in this act called "the register") for the purposes of this act, and shall, upon the filing of any bill of sale or copy under this act, enter therein in the form set forth in the second schedule (B) to this act annexed, or in any other prescribed form, the name, residence, and occupation of the person by whom the bill was made or given (or in case the same was made or given by any person under or in the execution of process, then the name, residence, and occupation of the person against whom such process was issued, and also the name of the person or persons to whom or in whose favor the bill was given), and the other particulars shown in the said schedule or to be prescribed under this act, and shall number all such bills registered in each year consecutively, according to the respective dates of their registration.

Upon the registration of any affidavit of renewal the like entry shall be made, with the addition of the date and number of the last previous entry relating to the same bill, and the bill of sale or copy originally filed shall be thereupon marked with the number affixed to such affidavit of renewal.

The registrar shall also keep an index of the names of the grantors of registered bills of sale with reference to entries in the register of the bills of sale given by each such grantor.

Such index shall be arranged in divisions corresponding with the letters of the alphabet, so that all grantors whose surnames begin with the same letter (and no others) shall be comprised in one division, but the arrangement within each such division need not be strictly alphabetical.

13.—The masters of the supreme court of judicature attached to the queen's bench division of the high court of justice, or such officers as may for the time being be assigned for this purpose under the provisions of the supreme court of judicature acts, 1873 and 1875, shall be the registrar for the purposes of this act, and any one of the said masters may perform all or any of the duties of the registrar.

14.—Any judge of the high court of justice on being satisfied that the omission to register a bill of sale or an affidavit of renewal thereof within the time prescribed by this act, or the omission or misstatement of the name, residence, or occupation of any person, was accidental or due to inadvertence, may in his discretion order such omission or misstatement to be rectified by the insertion in the register of the true name, residence, or occupation, or by extending the time for such registration on such terms and conditions (if any) as to security, notice by advertisement or otherwise, or as to any other matter, as he thinks fit to direct.

15.—Subject to and in accordance with any rules to be made under and for the purposes of this act, the registrar may order a memorandum of satisfaction to be written upon any registered copy of a bill of sale, upon the prescribed evidence being given that the debt (if any) for which such bill of sale was made or given has been satisfied or discharged.

16.—Any person shall be entitled to have an office copy or extract of any registered bill of sale, and affidavit of execution filed therewith, or copy thereof, and of any affidavit filed therewith, if any, or registered affidavit of renewal, upon paying for the same at the like rate as for office copies of judgments of the high court of justice, and any copy of a registered bill of sale, and affidavit purporting to be an office copy thereof, shall in all courts and before all arbitrators or other persons, be admitted as prima facie evidence thereof, and of the fact and date of registration as shown thereon. Any person shall be entitled at all reasonable times to search the register and every registered bill of sale, upon payment of 1 shilling for every copy of a bill of sale inspected; such payment shall be made by a judicature stamp.

17.—Every affidavit required by or for the purposes of this act may be sworn before a master of any division of the high court of justice, or before any commissioner empowered to take affidavits in the supreme court of judicature.

Whoever willfully makes or uses any false affidavit for the purposes of this act shall be deemed guilty of willful and corrupt perjury.

18.—There shall be paid and received in common law stamps the following fees, viz: On filing a bill of sale, 2 shillings; on filing the affidavit of execution of a bill of sale, 2 shillings; on the affidavit used for the purpose of reregistering a bill of sale (to include the fee for filing), 5 shillings.

19.—Section 26 of the supreme court of judicature act, 1875, and any enactments for the time being in force amending or substituted for that section, shall apply to fees under this act, and an order under that section may, if need be, be made in relation to such fees accordingly.

20.—Chattels comprised in a bill of sale which has been and continues to be duly registered under this act shall not be deemed to be in possession, order, or disposition of the grantor of the bill of sale within the meaning of the bankruptcy act, 1869.

21.—Rules for the purposes of this act may be made and altered from time to time by the like persons and in the like manner in which rules and regulations may be made under and for the purposes of the supreme court of judicature acts, 1873 and 1875.

22.—When the time for registering a bill of sale expires on a Sunday, or other day on which the registrar's office is closed, the registration shall be valid if made on the next following day on which the office is open.

23.—From and after the commencement of this act, the bills of sale act, 1854, and the bills of sale act, 1866, shall be repealed; provided that (except as is herein expressly mentioned with respect to renewal of registration) nothing in this act shall affect any bill of sale executed before the commencement of this act, and as regards bills of sale so executed the acts hereby repealed shall continue in force.

Any renewal after the commencement of this act of the registration of a bill of sale executed before the commencement of this act, and registered under the acts hereby repealed, shall be made under this act in the same manner as the renewal of a registration made under this act.

24.—This act shall not extend to Scotland or to Ireland.

SCHEDULES.

Schedule A.

I [A. B.], of ———, do swear that a bill of sale, bearing date the ——— day of ———, 18— [insert the date of the bill], and made between [insert the names and descriptions of the parties in the original bill of sale], and which said bill of sale [or, and a copy of which said bill of sale, as the case may be] was registered on the ——— day of ———, 18— [insert date of registration], is still a subsisting security.

Sworn, etc.

Schedule B.

Satisfaction entered.	No.	By whom given (or against whom process issued).			To whom given.	Nature of instrument.	Date.	Date of registration.	Date of registration of affidavit of renewal.
		Name.	Residence.	Occupation.					

AMENDMENT TO THE BILLS OF SALE ACT OF 1878.

CHAPTER 43.

An act to amend the bills of sale act, 1878. (August 18, 1882.)

Whereas it is expedient to amend the bills of sale act, 1878:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—This act may be cited for all purposes as the bills of sale act (1878) amendment act, 1882; and this act and the bills of sale act, 1878, may be cited together as the bills of sale acts, 1878 and 1882.

2.—This act shall come into operation on the 1st day of November, 1882, which date is hereinafter referred to as the commencement of this act.

3.—The bills of sale act, 1878, is hereinafter referred to as the "principal act," and this act shall, so far as is consistent with the tenor thereof, be construed as one with the principal act; but unless the context otherwise requires shall not apply to any bill of sale duly registered before the commencement of this act so long as the registration thereof is not avoided by non-renewal or otherwise.

The expression "bill of sale," and other expressions in this act, have the same meaning as in the principal act, except as to bills of sale or other documents mentioned in section 4 of the principal act, which may be given otherwise than by way of security for the payment of money, to which last-mentioned bills of sale and other documents this act shall not apply.

4.—Every bill of sale shall have annexed thereto or written thereon a schedule containing an inventory of the personal chattels comprised in the bill of sale; and such bill of sale, save as hereinafter mentioned, shall have effect only in respect of the personal chattels specifically described in the said schedule; and shall be void, except as against the grantor, in respect of any personal chattels not so specifically described.

5.—Save as hereinafter mentioned, a bill of sale shall be void, except as against the grantor, in respect of any personal chattels specifically described in the schedule thereto of which the grantor was not the true owner at the time of the execution of the bill of sale.

6.—Nothing contained in the foregoing sections of this act shall render a bill of sale void in respect of any of the following things, that is to say:

(1) Any growing crops separately assigned or charged where such crops were actually growing at the time when the bill of sale was executed.

(2) Any fixtures separately assigned or charged, and any plant, or trade machinery where such fixtures, plant, or trade machinery are used in, attached to, or brought upon any land, farm, factory, workshop, shop, house, warehouse, or other place in substitution for any of the like fixtures, plant, or trade machinery specifically described in the schedule to such bill of sale.

7.—Personal chattels assigned under a bill of sale shall not be liable to be seized or taken possession of by the grantee for any other than the following causes:

(1) If the grantor shall make default in payment of the sum or sums of money thereby secured at the time therein provided for payment, or in the performance of any covenant or agreement contained in the bill of sale and necessary for maintaining the security.

(2) If the grantor shall become a bankrupt, or suffer the said goods or any of them to be distrained for rent, rates, or taxes.

(3) If the grantor shall fraudulently either remove or suffer the said goods, or any of them, to be removed from the premises.

(4) If the grantor shall not, without reasonable excuse, upon demand in writing by the grantee, produce to him his last receipts for rent, rates, and taxes.

(5) If execution shall have been levied against the goods of the grantor under any judgment at law.

Provided that the grantor may, within five days from the seizure or taking possession of any chattels on account of any of the above-mentioned causes, apply to the high court, or to a judge thereof in chambers, and such court or judge, if satisfied that by payment of money or otherwise the said clause of seizure no longer exists, may restrain the grantee from removing or selling the said chattels, or may make such other order as may seem just.

8.—Every bill of sale shall be duly attested, and shall be registered under the principal act within seven clear days after the execution thereof, or if it is executed in any place out of England then within seven clear days after the time at which it would in the ordinary course of post arrive in England if posted immediately after the execution thereof; and shall truly set forth the consideration for which it was given; otherwise such bill of sale shall be void in respect of the personal chattels comprised therein.

9.—A bill of sale made or given by way of security for the payment of money by the grantor thereof shall be void unless made in accordance with the form in the schedule to this act annexed.

10.—The execution of every bill of sale by the grantor shall be attested by one or more credible witness or witnesses, not being a party or parties thereto. So much of section 10 of the principal act as requires that the execution of every bill of sale shall be attested by a solicitor of the supreme court, and that the attestation shall state that before the execution of the bill of sale the effect thereof has been explained to the grantor by the attesting witness, is hereby repealed.

11.—Where the affidavit (which, under section 10 of the principal act, is required to accompany a bill of sale when presented for registration) describes the residence of the person making or giving the same, or of the person against whom the process is issued to be in some place outside the London bankruptcy district, as defined by the bankruptcy act, 1869, or where the bill of sale describes the chattels enumerated therein as being in some place outside the said London bankruptcy district, the registrar under the principal act shall forthwith, and within three clear days after registration in the principal registry, and in accordance with the prescribed directions, transmit an abstract in the prescribed form of the contents of such bill of sale to the county court registrar in whose district such places are situate, and if such places are in the districts of different registrars to each such registrar.

Every abstract so transmitted shall be filed, kept, and indexed by the registrar of the county court in the prescribed manner, and any person may search, inspect, make extracts from, and obtain copies of the abstract so registered in the like manner and upon the like terms as to payment or otherwise, as near as may be, as in the case of bills of sale registered by the registrar under the principal act.

12.—Every bill of sale made or given in consideration of any sum under £30 shall be void.

13.—All personal chattels seized or of which possession is taken after the commencement of this act, under or by virtue of any bill of sale (whether registered before or after the commencement of this act), shall remain on the premises where they were so seized or so taken possession of, and shall not be removed or sold until after the expiration of five clear days from the day they were so seized or so taken possession of.

14.—A bill of sale to which this act applies shall be no protection in respect of personal chattels included in such bill of sale, which, but for such bill of sale, would have been liable to distress under a warrant for the recovery of taxes and poor and other parochial rates.

15.—The eighth and the twentieth sections of the principal act, and also all other enactments contained in the principal act which are inconsistent with this act are repealed, but this repeal shall not affect the validity of any thing done or suffered under the principal act before the commencement of this act.

16.—So much of the sixteenth section of the principal act as enacts that any person shall be entitled at all reasonable times to search the register and every registered bill of sale upon payment of 1 shilling for every copy of a bill of sale inspected is hereby repealed, and from and after the commencement of this act any person shall be entitled at all reasonable times to search the register, on payment of a fee of 1 shilling, or such other fee as may be prescribed, and subject to such regulations as may be prescribed, and shall be entitled at all reasonable times to inspect, examine, and make extracts from any and every registered bill of sale without being required to make a written application, or to specify any particulars in reference thereto, upon payment of 1 shilling for each bill of sale inspected, and such payment shall be made by a judicature stamp: Provided that the said extracts shall be limited to the dates of execution, registration, renewal of registration, and satisfaction, to the names, addresses, and occupations of the parties, to the amount of the consideration, and to any further prescribed particulars.

17.—Nothing in this act shall apply to any debentures issued by any mortgage, loan, or other incorporated company, and secured upon the capital stock or goods, chattels, and effects of such company.

18.—This act shall not extend to Scotland or Ireland.

SCHEDULE.

Form of bill of sale.

This indenture made the ——— day of ———, between A. B., of ———, of the one part, and C. D., of ———, of the other part, witnesseth that in consideration of the sum of £—— now paid to A. B. by C. D., the receipt of which the said A. B. hereby acknowledges [or
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whatever else the consideration may be], he the said A. B. doth hereby assign unto C. D., his executors, administrators, and assigns, all and singular the several chattels and things specifically described in the schedule hereto annexed by way of security for the payment of the sum of £——, and interest thereon at the rate of —— per cent. per annum [or whatever else may be the rate]. And the said A. B. doth further agree and declare that he will duly pay to the said C. D. the principal sum aforesaid, together with the interest then due, by equal —— payments of £—— on the —— day of —— [or whatever else may be the stipulated times or time of payment]. And the said A. B. doth also agree with the said C. D. that he will [here insert terms as to insurance, payment of rent, or otherwise, which the parties may agree to for the maintenance or defeasance of the security].

Provided always, that the chattels hereby assigned shall not be liable to seizure or to be taken possession of by the said C. D. for any cause other than those specified in section 7 of the bill of sale act (1878) amendment act, 1882.

In witness, etc.

Signed and sealed by the said A. B. in the presence of me, E. F. [Add witness's name, address, and description.]

RULES OF THE SUPREME COURT AND ORDER AS TO COURT FEES.

RULES UNDER THE SETTLED LAND ACT, 1882.

- (1) The expression "the act" used in these rules means the settled land act, 1882.

Words defined by the act when used in these rules have the same meanings as in the act.

The expression "the tenant for life" includes the tenant for life as defined by the act, and any person having the powers of a tenant for life under the act.

- (2) All applications to the court under the act may be made by summons in chambers: and if in any case a petition shall be presented without the direction of the judge, no further costs shall be allowed than would be allowed upon a summons.

- (3) The forms in the appendix to these rules are to be followed as far as possible, with such modification as the circumstances require. All summonses, petitions, affidavits, and other proceedings under the act are to be entitled according to Form I in the appendix.

- (4) The persons to be served with notice of applications to the court shall, in the first instance, be as follows:

In the case of applications by the tenant for life under sections 15 and 34, the trustees.

In the case of applications under section 38, the trustees (if any), and the tenant for life if not the applicant.

In the case of applications under section 44, the tenant for life, or the trustees, as the case may be.

No other person shall in the first instance be served. Except as hereinbefore provided where an application under the act is made by any person other than the tenant for life, the tenant for life alone shall be served in the first instance.

- (5) Except in the cases mentioned in the last rule, applications by a tenant for life shall not in the first instance be served on any person.

- (6) The judge may require notice of any application under the act to be served upon such persons as he thinks fit, and may give all necessary directions as to the persons (if any) to be served, and such directions may be added to or varied from time to time as the case may require. Where a petition is presented, the petitioner may, after the petition has been filed, apply by summons in chambers (appendix, Form XXIII) for directions with regard to the persons on whom the petition ought to be served. If any person not already served is directed to be served with notice of an application, the application shall stand over generally, or until such time as the judge directs. The judge may in any particular case, upon such terms (if any) as he thinks fit, dispense with service upon any person upon whom, under these rules, or under any direction of the judge, any application is to be served.

(7) It shall be sufficient upon any application under the act to verify by affidavit the title of the tenant for life and trustees or other persons interested in the application unless the judge in any particular case requires further evidence. Such affidavit may be in the form or to the effect of Form No. VIII in the appendix.

(8) Any sale authorized or directed by the court under the act, shall be carried into effect out of court, unless the judge shall otherwise order, and generally in such manner as the judge may direct.

(9) Where the court authorizes generally the tenant for life to make from time to time leases or grants for building or mining purposes under section 10 of the act, the order shall not direct any particular lease or grant to be settled or approved by the judge unless the judge shall consider that there is some special reason why such lease or grant should be settled or approved by him. Where the court authorizes any such lease or grant in any particular case, or where the court authorizes a lease under section 15 of the act, the order may either approve a lease or grant already prepared or may direct that the lease or grant shall contain conditions specified in the order or such conditions as may be approved by the judge at chambers without directing the lease or grant to be settled by the judge.

(10) Any person directed by the tenant for life to pay into court any capital money arising under the act may apply by summons at chambers for leave to pay the money into court. (Appendix, Forms IX, X, XI.)

(11) The summons shall be supported by an affidavit setting forth—

(a) The name and address of the person desiring to make the payment.

(b) The place where he is to be served with notice of any proceeding relating to the money.

(c) The amount of money to be paid into court and the account to the credit of which it is to be placed.

(d) The name and address of the tenant for life under the settlement by whose direction the money is to be paid into court.

(e) The short particulars of the transaction in respect of which the money is payable.

(12) The order made upon the summons for payment into court may contain directions for investment of the money on any securities authorized by section 21, subsection 1, of the act, and for payment of the dividends to the tenant for life, either forthwith or upon production of the consent in writing of the applicant, the signature to such consent to be verified by the affidavit of the solicitor. But if the transaction in respect of which the money arises is not completed at the date of payment into court, the money shall not, without the consent of the applicant, be ordered to be invested in any securities other than those upon which cash under the control of the court may be invested.

(13) Money paid into court under the act shall be paid to an account, to be entitled in the matter of the settlement, with a short description of the mode in which the money arises if it is necessary or desirable to identify it, and in the matter of the act. (Appendix, Forms IX, X, and XI.)

(14) Any person paying into court any capital money arising under the act shall be entitled first to deduct the costs of paying the money into court.

(15) In all cases not provided for by the act or these rules, the existing practice of the court as to costs or otherwise, so far as the same may be applicable, shall apply to proceedings under the act.

(16) The fees and allowances to solicitors of the court in respect to proceedings under the act shall be those provided by the rules of the supreme court as to costs for the time being in force, so far as they are applicable to such proceedings.

(17) The fees to be taken by the officers of the court in respect to proceedings under the act shall be those provided by the rules of the supreme court as to court fees for the time being in force, so far as they are applicable to such proceedings.

(18) These rules shall come into operation from and after December 31, 1882.

(19) These rules may be cited as the settled land act rules, 1882.

(Signed,)

SELBORNE, C.
COLERIDGE, L. C. J.
G. JESSEL, M. R.
NATH. LINDLEY, L. J.
H. MANISTY, J.
E. FRY, J.

APPENDIX.

FORM I.—*Title of proceedings.*

In the high court of justice, chancery division, Vice-Chancellor Bacon, or Mr. Justice Chitty, [or other judge before whom the application is to be heard].

In the matter of the ——— estate [or, of the timber upon the ——— estate], situate at ———, in the county of ———, [or, of the chattels], settled by a settlement made by an indenture dated the ——— day of ———, and made between ——— [or, by the will of ——— dated ———, or as the case may be].

And in the matter of the settled land act, 1882.

FORM II.—*Formal part of summons.*

Title as in Form I.

Let all parties concerned attend at my chambers at the royal courts of justice on ——— day, the ——— day of ———, 18—, at ——— o'clock in the forenoon, on the hearing of an application —

(a) On the part of A. B., the tenant for life [or, tenant in tail, or as the case may be, describing the nature of the applicant's estate] under the above-mentioned settlement.

Or, (b) On the part of A. B., the tenant for life (or as the case may be) under the above-mentioned settlement an infant, by X. Y., his testamentary guardian [or, guardian appointed by order dated the ———, or, next friend].

Or, (c) On the part of C. D. and E. F., the trustees of the above-mentioned settlement for the purposes of the above-mentioned act.

Or, (d) On the part of G. H., the tenant for life in remainder [or, tenant in tail in remainder, or as the case may be, describing the applicant's interest] under the above-mentioned settlement subject to the life interest of A. B. [or as the case may be].

Or, (e) On the part of I. J., the purchaser of the lands [or, the timber upon the lands, or chattels, or as the case may be] settled by the above-mentioned settlement.

Or, (f) On the part of I. J., the lessee under a mining lease dated the ——— 18—, granted under the powers of the above-mentioned act of the mines and minerals under the lands settled by the above-mentioned settlement.

Or, (g) On the part of I. J., the mortgagee under a mortgage intended to be created under section 18 of the above-mentioned act of the lands settled by the above-mentioned settlement.

Or, (h) On the part of K. L., interested under the contract hereinafter mentioned.

Dated the ——— day of ———, 18—.

This summons was taken out by ——— of ———, solicitor for the applicant.

To [add the names of the persons (if any) on whom the summons is to be served].

FORM III.—Summons under section 10 for general leasing powers.

Title and formal parts as in forms I and II, *a* or *b*.

(1) That the applicant [or in the case of an infant that the said X. Y. during the infancy of the said A. B.], and each of his successors in title [or in the case of an infant, each of the successors in title of the said A. B.], being a tenant for life or having the powers of a tenant for life under the above-mentioned act, may, pursuant to section 10 of the said act, be authorized from time to time to make building [or mining] leases of the lands comprised in the said settlement for the term of ——— years [or in perpetuity] on the conditions specified in the said act [or on other conditions than those specified in sections 7 to 9 of the said act].

(2) That the costs of this application may be directed to be taxed as between solicitor and client, and that the same when taxed may be paid out of the property subject to the said settlement, and that for that purpose all necessary directions may be given.

Note.—The proposed conditions ought not, except in simple cases, to be set forth in the summons.

FORM IV.—Summons under sections 10 or 15 for authority to grant a particular lease where the tenant for life has entered into a contract.

Title as in Form I. Formal parts as in Form II, *a* or *b*.

(1) That the conditional contract, dated the ———, 18—, and made between the applicant [or the said X. Y.] of the one part, and ——— of the other part, for a [building or mining] lease to the said ——— of the hereditaments therein mentioned for the term, and upon the conditions therein stated, may, pursuant to section 10 [or 15] of the above-mentioned act be approved, and that the said A. B. [or X. Y.] may be authorized to execute a lease in pursuance of the said contract.

(2) (Add application for costs as in Form III, 2.)

FORM V.—Summons under sections 10 or 15 for authority to grant a particular lease when no contract has been entered into.

Title as in Form I. Formal parts as in Form II, *a* or *b*.

(1) That the [building or mining] lease intended to be granted to ——— of the lands [or of the mansion-house, etc.], settled by the said settlement may, pursuant to section 10 [or 15] of the above-mentioned act be approved, and that the applicant [or the said X. Y.] may be authorized to execute the same.

(2) (Add application for costs as in Form III, 2.)

FORM VI.—Summons under sections 15, 35, or 37 for a sale out of court of the principal mansion-house, and demesnes, or of timber or chattels.

Title as in Form I. Formal parts as in Form II, *a* or *b*.

(1) That the applicant [or in the case of an infant the said X. Y.] may be authorized to sell the principal mansion-house [or the timber ripe and fit for cutting] on the land [or the furniture and chattels] settled by the above-mentioned settlement in such manner and subject to such particulars, conditions, and provisions as he may think fit.

(2) That the costs of this application may be taxed as between solicitor and client, and that C. D. and E. F., the trustees of the said settlement, may be at liberty to pay the costs when taxed out of the proceeds of the said sale [or, in the case of timber, out of the three-fourths of the proceeds of the said sale to be set aside as capital money arising under the said act], or if this form is not applicable as in Form III, 2.

FORM VII.—*Summons under sections 15, 35, or 37 for sale by the court of the principal mansion-house, and demesnes, or of timber or chattels.*

Title as in Form I. Formal parts as in Form II, *a* or *b*.

(1) That the principal mansion-house [or the timber ripe and fit for cutting] on the land [or the furniture and chattels], settled by the above-mentioned settlement, may be sold under the direction of the court.

(2) (Application for costs as in Form III, 2.)

FORM VIII.—*Affidavit verifying title.*

Title as in Form I.

I, ———, of ———, make oath and say as follows:

(1) By the above-mentioned settlement the above-mentioned lands [or certain chattels, shortly describing them] stand limited to uses [or upon trusts] under which A. B. is [or I am] beneficially entitled in possession as tenant for life [or tenant in tail or tenant in fee-simple, with an executory gift over or as the case may be].

(2) (If it is the fact.) The said A. B. is an infant of the age of ——— years or thereabouts.

(3) C. D., of ———, and E. F., of ———, are trustees under the said settlement, with a power of sale of the said lands [or with power of consent to or approval of the exercise of a power of sale of the said lands contained in the said settlement, or are the persons by the said settlement declared to be trustees thereof for purposes of the above-mentioned act].

FORM IX.—*Summons under section 22 by purchaser for payment into court of purchase-money of settled land, timber, or chattels.*

Title as in Form I. Formal parts as in Form II, *e*.

(1) That the applicant may be at liberty to pay into court to the credit of "in the matter of the settlement, dated the ———, and made between ———, [or will, etc.], proceeds of sale of the A. estate [or as the case may be], and in the matter of the settled land act, 1882," the sum of £———, on account of the purchase-money of the said A. estate [or as the case may be] settled by the said settlement [or will, etc.].

(2) That such directions may be given for the investment of the said sums when paid into the court, and the accumulation or payment of the dividends of the securities, representing the same as the court may think proper.

FORM X.—*Summons under section 22 for payment into court by lessee under a mining lease (see section 11).*

Title as in Form I. Formal parts as in Form II, *f*.

(1) That applicant may be at liberty to pay into court to the credit of "in the matter of the settlement dated the ———, and made between ———, [or the will, etc.], mineral rents under lease dated the ———, and in the matter of the settled land act, 1882," the sum of £———, being three-fourths [or one-fourth] of the rents payable by him under the said lease for the half-year ending the ———, less £———, the costs of payment into court.

(2) That the applicant may be at liberty on or before the ——— day of ———, and the ——— day of ——— in every year during the term created by the said lease to pay into court to the credit aforesaid, so much of the rents payable by him under the said lease as is by section 11 of the above-mentioned act directed to be set aside as capital money arising under the said act after deducting therefrom the costs of payment in, the amount paid in to be verified by affidavit.

(3) That the said sum of £——, and all other sums to be paid into court to the credit aforesaid may be invested in the purchase of [name the investment] to the like credit and that the dividends on the said —— when purchased may be paid to A. B., the tenant for life under the above-mentioned settlement, during his life or until further order.

FORM XI.—*Summons under section 22 for payment into court by mortgagee (see section 18).*

Title as in Form I. Formal parts as in Form II, *g*.

(1) That the applicant may be at liberty to pay into court to the credit of "money advanced on mortgage of lands settled by the settlement dated the ——, and made between ——, [or the will, etc.], and in the matter of the settled land act, 1882," the sum of £—— being the amount agreed to be advanced by him on mortgage of the lands comprised in the above-mentioned settlement less the costs of payment in.

(2) (Add directions for investment as in Form VIII, 2.)

FORM XII.—*Summons under section 26 (1).*

Title as in Form I. Formal parts as in Form II, *a* or *b*.

(1) That the scheme left at my chambers this day for the execution of improvements on the lands settled by the above-mentioned settlement may be approved.

(2) (Add application for costs as in Form III, 2.)

FORM XIII.—*Summons under section 26, subsection 2 (ii), for appointment of an engineer or surveyor.*

Title as in Form I. Formal parts as in Form II, *a* or *b*.

(1) That M. N., of ——, engineer [or surveyor] may be approved as engineer [or surveyor] for the purposes of section 26, subsection 2 (ii), of the above-mentioned act.

(2) (Add application for costs as in Form III, 2.)

FORM XIV.—*Nomination of an engineer or surveyor by the trustees.*

Title as in Form I.

We, C. D., of ——, and E. F., of ——, the trustees of the above-mentioned settlement for the purposes of the above-mentioned act, hereby nominate ——, of ——, engineer [or surveyor], for the purposes of section 26, subsection 2 (ii), of the said act.

(Signed,)

C. D.

E. F.

FORM XV.—*Summons under section 26, subsection 2 (iii).*

Title as in Form I. Formal parts as in Form II, *a* or *b*.

(1) That C. D. and E. F., the trustees of the above-mentioned settlement, for the purposes of the above-mentioned act may be directed to apply the sum of £—— out of the capital money arising under the said act in their hands subject to the said settlement in payment for [describe the work or operation] being [part of] an improvement executed upon the lands subject to said settlement pursuant to a scheme approved by the said C. D. and E. F. under the said act.

(2) (Add application for costs as in Form III, 2.)

FORM XVI.—*Summons under section 26, subsection 3.*

Title as in Form I. Formal parts as in Form II, *a* or *b*.

(1) That the sum of £—— may be ordered to be raised out of the —— in court to the credit of —— and that the same when raised may be paid to —— upon his undertaking to apply the same in payment for [describe the works or operation] being part of an improvement executed upon the land settled by the above-mentioned settlement pursuant to the scheme approved by order dated the ——.

(2) (Add application for costs as in Form III, 2.)

FORM XVII.—*Summons under section 31.*

Title as in Form I. Formal parts as in Form II, *a* or *b*.

(1) That the applicant may be at liberty to enforce [or carry into effect or vary or rescind as the case may be] the contract entered into between the applicant of the one part, and —— of the other part.

(2) Or that such directions may be given relating to the said contract as the judge may think fit.

(3) (Add application for costs as in Form III, 2.)

FORM XVIII.—*Summons under section 34 for application of money paid for a lease or reversion.*

Title as in Form I. Formal parts as in Form II, *a*, *b*, or *d*.

(1) That the sum of £——, being the proceeds of sale of a lease for years [or life or a reversion or other interest, describing it] settled by the above-mentioned settlement, may, pursuant to section 34 of the above-mentioned act, be directed to be applied for the benefit of the parties interested under the said settlement in such manner as the court may think fit.

(2) (Add application for costs as in Form III, 2.)

FORM XIX.—*Summons under section 38 for the appointment of new trustees.*

Title as in Form I. Formal parts as in Form II, *a*, *b*, *c*, or *d*.

(1) That G. H. and I. J. may be appointed trustees under the above-mentioned settlement for the purposes of the above-mentioned act.

(2) (Add application for costs as in Form III, 2.)

FORM XX.—*Summons under section 44.*

Title as in Form I. Formal parts as in Form II, *a*, *b*, or *c*.

(1) That it may be declared that [set out the declaration required].

(2) (Add application for costs as in Form III, 2, or as the circumstances require.)

FORM XXI.—*Summons under section 56 for advice and direction.*

Title as in Form I. Formal parts as in Form II, *a* to *k*.

For the opinion, advice, and direction of the judge on the following questions:

(1) Whether

(2) Whether

(3) Whether

(or if the questions involve complicated facts) for the opinion, advice, and direction of the judge on the facts and questions submitted by the statement left in my chambers this day.

(4) (Add application for costs as in Form III, 2.)

FORM XXII.—*Summons under section 60 for appointment of persons to exercise powers on behalf of infant.*

Title as in Form I. Formal parts as in Form II, *b*.

(1) That the powers conferred upon a tenant for life by sections 6 to 13, both inclusive, and sections 16 to 20, both inclusive, of the above-mentioned act (or such other powers as it is desired to exercise) may be exercised by the said _____ on behalf of the said _____ during his minority.

(2). (Add application for costs as in Form III, 2.)

FORM XXIII.—*Summons for directions as to service of a petition.*

Title as in Form I. Formal parts as in Form II.

That directions may be given as to the persons to be served with the petition presented in the above matter on the _____ day of _____ 18—.

RULES UNDER THE ACT FOR THE ABOLITION OF FINES AND RECOVERIES, AND SECTION 7 OF THE CONVEYANCING ACT, 1882.

(1) No person authorized or appointed under the act 3 and 4 Will. IV, c. 74, (in these rules referred to as the fines and recoveries act) to take the acknowledgments of deeds by married women shall take any such acknowledgment if he is interested or concerned either as a party or as solicitor or clerk to the solicitor for one of the parties or otherwise in the transaction giving occasion for the acknowledgment.

(2) Before a commissioner shall receive an acknowledgment, he shall inquire of the married woman separately and apart from her husband and from the solicitor concerned in the transaction whether she intends to give up her interest in the estate to be passed by the deed without having any provision made for her; and where the married woman answers in the affirmative and the commissioner shall have no reason to doubt the truth of her answer, he shall proceed to receive the acknowledgment; but if it shall appear to him that it is intended that provision is to be made for the married woman, then the commissioner shall not take her acknowledgment until he is satisfied that such provision has been actually made by some deed or writing produced to him; or if such provision shall not have been actually made before, then the commissioner shall require the terms of the intended provision to be shortly reduced into writing, and shall verify the same by his signature in the margin, at the foot, or at the back thereof.

(3) The memorandum to be indorsed on or written at the foot or in the margin of a deed acknowledged by a married woman shall be in the following form in lieu of the form set forth in section 84 of the fines and recoveries act:

"This deed was this day produced before me and acknowledged by _____ therein named to be her act and deed [or their several acts and deeds] previous to which acknowledgment [or acknowledgments] the said _____ was [or were] examined by me separately and apart from her husband [or their respective husbands] touching her [or their] knowledge of the contents of the said deed and her [or their] consent thereto and [each of them] declared the same to be freely and voluntarily executed by her."

(4) When an acknowledgment is taken by any person other than a judge, the following declaration shall be added to the memorandum of acknowledgment:

"And I declare that I am not interested or concerned either as a party or as a solicitor or clerk to the solicitor for one of the parties or otherwise in the transaction giving occasion for the said acknowledgment."

(5) A memorandum of acknowledgment purporting to be signed according to any of the following forms shall be deemed to be a memorandum purporting to be signed by a person authorized to take the acknowledgment :

(Signed,) A. B.

(A judge of the high court of justice in England, or a judge of the county court of ———, or a perpetual commissioner for taking acknowledgments of deeds by married women, or the special commissioner appointed to take the aforesaid acknowledgment.)

But this rule is not to derogate from the effect of any memorandum purporting to be signed by a person authorized to take the acknowledgment, though not signed in accordance with any of the above forms.

(6) Nothing in the five preceding rules contained shall make invalid any acknowledgment which would have been valid if these rules had not been enacted.

(7) Every commission appointing a special commissioner to take an acknowledgment by a married woman shall be returned to the office of the registrar of certificates of acknowledgments of deeds by married women, and shall be there filed. An index shall be prepared and kept in the said office, giving the names and addresses of the married women named in all such commissions filed in the said office after December 31, 1882. The same rules shall apply to searches in the index so to be prepared as to searches in the other indexes and registers kept in the central office.

(8) The costs to be allowed to solicitors in respect of the matters hereinafter mentioned, when not otherwise regulated by the general orders in force for the time being under the solicitors' remuneration act, 1881, or by special agreement, shall be as follows, any thing in the rules of the supreme court as to costs, dated August 12, 1875, to the contrary notwithstanding :

Charges under the act 3 and 4 Will. IV, c. 74 (the fines and recoveries act).

	<i>£</i>	<i>s.</i>	<i>d.</i>
For the indorsements on deeds required by the fines and recoveries act, to be entered on the court rolls of manors of the memorandum of production and memorandum of entry on court rolls, to be signed by the lord steward or deputy steward, each indorsement of memorandum 5 shillings, together.....	0	10	0
For the entries on the court rolls of deeds and the indorsements thereon, at per folio of 72 words.....	0	0	6
For taking the consent of each protector of settlement of lands.....	0	13	4
For taking the surrender by each tenant in tail of lands.....	0	13	4
For entries of such surrenders or the memorandums thereof in the court rolls, at per folio of 72 words.....	0	0	6

(9) The following rules and orders are hereby repealed, except as to certificates not lodged before January 1, 1883, of acknowledgments by married women of deeds executed before January 1, 1883, and the affidavits relating thereto :

The general rules of the court of common pleas, hil. term, 1834.

The general rules of the court of common pleas, trin. term, 1834.

The general order of the court of common pleas, dated November 24, 1862.

The general order of the court of common pleas, dated January 13, 1863.

(10) These rules shall take effect from and after December 31, 1882.

RULES UNDER SECTION 2 OF THE CONVEYANCING ACT, 1882.

(1) Every requisition for an official search shall state the name and address of the person requiring the search to be made. Every requisition and certificate shall be filed in the office where the search was made.

(2) Every person requiring an official search to be made pursuant to section 2 of the conveyancing act, 1882, shall deliver to the officer a declaration according to the Forms I and II

in the appendix, purporting to be signed by the person requiring the search to be made, or by a solicitor, which declaration may be accepted by the officer as sufficient evidence that the search is required for the purposes of the said section. The declaration may be made in the requisition or in a separate document.

(3) Requisitions for searches under section 2 of the conveyancing act, 1882, shall be in the Forms III to VI in the appendix, and the certificates of the results of such searches shall be in the Forms VII to X, with such modifications as the circumstances may require.

(4) Where a certificate setting forth the result of a search in any name has been issued, and it is desired that the search be continued in that name, to a date not more than one calendar month subsequent to the date of the certificate, a requisition in writing in the Form XI in the appendix may be left with the proper officer, who shall cause the search to be continued, and the result of the continued search shall be indorsed on the original certificate and upon any office copy thereof which may have been issued, if produced to the officer for that purpose. The indorsement shall be in the Form XII in the appendix, with such modifications as circumstances require.

(5) Every person shall, upon payment of the prescribed fee, be entitled to have a copy of the whole or any part of any deed or document enrolled in the enrollment department of the central office.

RULE UNDER THE CONVEYANCING AND LAW OF PROPERTY ACT, 1881.

(6) An alphabetical index of the names of the grantors of all powers of attorney filed under section 48 of the conveyancing and law of property act, 1881, shall be prepared and kept by the proper officer, and any person may search the index upon payment of the prescribed fee. No person shall take copies of or extracts from any power of attorney or other document filed under that section and produced for his inspection. All copies or extracts which may be required shall be made by the office.

(Signed,)

SELBORNE, C.
COLERIDGE, L. C. J.
G. JESSEL, M. R.
NATH. LINDLEY, L. J.
H. MANISTY, J.
EDW. FRY, J.

APPENDIX.

FORM I.—*Declaration by separate instrument as to purposes of search.*

Supreme court of judicature, central office.

To the Clerk of Enrollments, or the Registrar of Royal Courts of Justice, London.

In the matter of A. B. and C. D.

I declare that the search (or searches) in the name (or names) of ———, required to be made by the requisition for search, dated the ———, is (or are) required for the purposes of sale (or mortgage, or lease, or as the case may be) by A. B. to C. D.

[Signature, address, and description.]

Dated

FORM II.—*Declaration as to purposes of search contained in the requisition.*

I declare that the above-mentioned search is required for the purposes of a sale (or mortgage, or lease, or as the case may be) by A. B. to C. D.

FORM III.—*Requisition for search in the enrollment office under the conveyancing act, 1882, section 2.*

Supreme court of judicature, central office.

Requisition for search.

To the Clerk of Enrollments, Royal Courts of Justice, London.

In the matter of A. B. and C. D.

Pursuant to section 2 of the conveyancing act, 1882, search for deeds and other documents enrolled during the period from ———, 18—, to ———, 18—, both inclusive, in the following name (or names):

Surname.	Christian name or names.	Usual or last known place of abode.	Title, trade, or profession.

(Add declaration, Form II.)

(State if an office copy of the certificate is desired, and whether it is to be sent by post or called for.)

[Signature, address, and description of person requiring the search.]

Dated

FORM IV.—*Requisition for search in the bills of sale department under the conveyancing act, 1882, section 2.*

Supreme court of judicature, central office.

Requisition for search.

To the Registrar of Bills of Sale, Royal Courts of Justice, London.

In the matter of A. B. and C. D.

Pursuant to section 2 of the conveyancing act, 1882, search for instruments registered or reregistered as bills of sale during the period from ———, 18—, to ———, 18—, both inclusive, in the following name (or names):

Surname.	Christian name or names.	Usual or last known place of abode.	Title, trade, or profession.

(Add declaration, Form II.)

(State if an office copy of the certificate is desired, and whether it is to be sent by post or called for.)

[Signature, address, and description of person requiring the search.]

Dated

FORM V.—*Requisition for search in the registry of certificates of acknowledgments of deeds by married women under the conveyancing act, 1882, section 2.*

Supreme court of judicature, central office.

Requisition for search.

To the Registrar of Certificates of Acknowledgments of Deeds by Married Women, Royal Courts of Justice, London.

In the matter of A. B. and C. D.

Pursuant to section 2 of the conveyancing act, 1882, search for certificates of acknowledgments of deeds by married women during the period from —, 18—, to —, 18—, both inclusive, according to the particulars mentioned in the schedule hereto:

The schedule.

Surname.	Christian name or names of wife and husband.	Date of certificate, if the search relates to a particular certificate.	Date of deed, if the search relates to a particular deed.	County, parish, or place in which the property is situated, or other description of the property.

(Add declaration, Form II.)

(State if an office copy of the certificate is desired, and whether it is to be sent by post or called for.)

[Signature, address, and description of person requiring the search.]

Dated

—

FORM VI.—Requisition for search in the registry of judgments under the conveyancing act, 1882, section 2.

Supreme court of judicature, central office.

Requisition for search.

To the Registrar of Judgments, Royal Courts of Justice, London.

In the matter of A. B. and C. D.

Pursuant to section 2 of the conveyancing act, 1882, search for judgments, revivals, decrees, orders, rules, and *lis pendens*, and for judgments at the suit of the Crown, statutes, recognizances, Crown bonds, inquisitions, and acceptances of office for the period from —, 18—, to —, 18—, both inclusive, and for executions for the period from July 29, 1864 (or as the case may require), to the —, 18—, both inclusive, and for annuities for the period from April 26, 1855 (or as the case may require), to —, 18—, both inclusive, in the following name (or names):

Surname.	Christian name or names.	Usual or last known place of abode.	Title, trade, or profession.

(Add declaration, Form II.)

(State if an office copy of the certificate is desired, and whether it is to be sent by post or called for.)

[Signature, address, and description of person requiring the search.]

Dated

FORM VII.—*Certificate of search by enrollment department under the conveyancing act, 1882, section 2.*

Supreme court of judicature, central office, enrollment department.

Certificate of search pursuant to section 2 of the conveyancing act, 1882.

In the matter of A. B. and C. D.

This is to certify that a search has been diligently made in the enrollment office for deeds and other documents in the name (or names) of _____ for the period from _____ to _____, both inclusive, and that no deed or other document has been enrolled in the said office in that name (or in any one or more of those names) during the period aforesaid, _____, or and that except the _____ described in the schedule hereto no deed or document has been enrolled in that name (or in any one or more of those names) during the period aforesaid.

(The schedule.)

Dated _____

FORM VIII.—*Certificate of search by the registrar of bills of sale under the conveyancing act, 1882.*

Supreme court of judicature, central office, bills of sale department.

Certificate of search pursuant to section 2 of the conveyancing act, 1882.

In the matter of A. B. and C. D.

This is to certify that a search has been diligently made in the register of bills of sale in the name (or names) of _____ for the period from _____, 18—, to _____, 18—, both inclusive, and that no instrument has been registered or reregistered as a bill of sale in that name (or in any one or more of those names) during that period, _____, or, and that except the _____ described in the schedule hereto, no instrument has been registered or reregistered as a bill of sale in that name (or in any one or more of those names) during the period aforesaid.

(The schedule.)

Dated _____

FORM IX.—*Certificate of search by registrar of certificates of acknowledgments of deeds by married women under the conveyancing act, 1882, section 2.*

Supreme court of judicature, central office.

Registry of certificates of acknowledgments of deeds by married women.

Certificate of search pursuant to section 2 of the conveyancing act, 1882.

In the matter of A. B. and C. D.

This is to certify that a search has been diligently made in the office of the registrar of certificates of acknowledgments of deeds by married women in the name (or names) of _____ for the period from _____ to _____, 18—, both inclusive, _____ for a certificate dated the _____, or for certificates of acknowledgment of a deed dated the _____, or for certificates of acknowledgments of deeds relating to [fill in the description of the property from the requisition] and that no such certificate has been filed in that name [or in any one or more of those names] during the period aforesaid, _____, or and that except the certificate [or certificates] described in the schedule hereto, no such certificate has been filed in that name [or in any one or more of those names] during the period aforesaid.

Surname.	Christian names of wife and husband.	Date of certificate.	Date of deed.	County, parish, or place in which property situated, or other description of the property.

Dated — day of —, 18—.

FORM X.—*Certificate of search by registrar of judgments under conveyancing act, 1882, section 2.*

Supreme court of judicature, central office.

The registry of judgments.

Certificate of search pursuant to section 2 of the conveyancing act, 1882.

In the matter of A. B. and C. D.

This is to certify that a search has been diligently made in the office of the registrar of judgments for judgments, revivals, decrees, orders, rules, *lis pendens*, judgments at the suit of the Crown, statutes, recognizances, Crown bonds, inquisitions, and acceptances of office, for the period from — 18—, to — 18—, both inclusive, and for executions for the period from — 18—, to — 18—, both inclusive, and for annuities for the period from — 18—, to — 18—, both inclusive, in the name (or names) of —, and that no judgment, revival, decree, order, rule, *lis pendens*, judgment at the suit of the Crown, statute, recognizance, Crown bond, inquisition, acceptance of office, execution, or annuity has been registered or reregistered in that name (or in any one or more of those names) during the respective periods covered by the aforesaid searches, —, or and that except the — mentioned in the schedule hereto, no judgment, revival, decree, order, rule, *lis pendens*, judgment at the suit of the Crown, statute, recognizance, Crown bond, inquisition, acceptance of office, execution, or annuity has been registered or reregistered in that name (or in any one or more of those names) during the respective periods covered by the aforesaid search.

(The schedule.)

Dated the — day of —, 188—.

FORM XI.—*Requisition for continuation of search under the conveyancing act, 1882.*

Supreme court of judicature, central office.

Requisition for continuation of search.

To the Clerk of Enrollments or the Registrar of Royal Courts of Justice, London, W. C.

In the matter of A. B. and C. D.

Pursuant to section 2 of the conveyancing act, 1882, continue the search for —, made pursuant to the requisition dated the — day of — 18—, in the name (or names) of —, from the — day of — to the — day of — 18—, both inclusive.

[Signature, address, and description of person requiring the search.]

Dated —

FORM XII.—*Certificate of result of continued search under the conveyancing act, 1882, section 2, to be indorsed on original certificate.*

This is to certify that the search (or searches) mentioned in the within written certificate has (or have) been diligently continued to the — day of —, 18—, and that up to and including that date, except the — mentioned in the schedule hereto [these words to

be omitted where nothing is found], no deed or other document has been enrolled, or no instrument has been registered or reregistered as a bill of sale; or no certificate has been filed, or no judgment, revival, decree, order, rule, *lis pendens*, judgment at the suit of the Crown, statute, recognizance, Crown bond, inquisition, acceptance of office, execution or annuity, has been registered or reregistered in the within-mentioned name (or in any one or more of the within-mentioned names).

Dated

ORDER AS TO COURT FEES.

(1) The following portion of the schedule to the order as to court fees made on October 28, 1875, is hereby repealed, that is to say:

On taking acknowledgment of a deed by a married woman, lower scale £1, higher scale £6; and instead thereof the following fees shall henceforth be chargeable in respect of the matters hereinafter mentioned, namely:

Fees under the act 3 and 4 Will. IV, c. 74 (the fines and recoveries act).

	£	s.	d.
For taking the acknowledgment of a married woman by a judge of the high court of justice.....	1	0	0
To a perpetual commissioner for taking the acknowledgment of a married woman when not required to go further than a mile from his residence.....	0	13	4
To a perpetual commissioner when required to go more than 1 mile, but not more than 3 miles, besides his reasonable traveling expenses.....	1	1	0
To a perpetual commissioner where the distance exceeds 3 miles, besides his reasonable traveling expenses.....	2	2	0
Where more than one married woman at the same time acknowledges the same deed respecting the same property, these fees are to be taken for the first acknowledgment only, and the fees to be taken for the other acknowledgment or acknowledgments, how many soever the same may be, shall be one-half of the original fees, and so also where the same married woman shall at the same time acknowledge more than one deed respecting the same property.			
To the clerk of the peace or his deputy for every search.....	0	1	0
To the same for every copy of a list of commissioners, provided such list shall not exceed the number of one hundred names.....	0	5	0
To the same for every further complete number of fifty names, an additional.....	0	2	6
For every official copy of a list of commissioners, provided such list shall not exceed the number of one hundred names.....	0	5	0
For every further complete number of fifty names, additional.....	0	2	6
For preparing every special commission.....	1	0	0
For examining the certificate and affidavit and filing and indexing the same.....	0	5	0
Upon the return of a special commission to the central office.....	0	5	0
For every search in the registry of certificates of acknowledgments of deeds by married women.....	0	1	0
For enrolling recognizances, deeds, and other instruments per folio of seventy-two words, including the certificate of enrollment indorsed on the instrument, but not including maps, plans, and drawings, which are to be charged at their actual cost.....	0	1	0
For indorsing a certificate of enrollment on a duplicate of any enrolled instrument, for each folio of the instrument if it does not exceed twenty-four folios.....	0	0	6
For the like certificate if the instrument exceeds twenty-four folios.....	0	12	0
For office copies of enrolled instruments, per folio of seventy-two words.....	0	0	6
For examining copies of enrolled instruments and marking them as office copies, per folio of seventy-two words.....	0	0	2

Fees under section 48 of the conveyancing and law of property act, 1881.

	£	s.	d.
On depositing a power of attorney.....	0	2	0
On an application to search for a power of attorney so deposited and inspecting the same, and the affidavit or other documents deposited therewith, for each hour, or part of an hour, not exceeding on one day 10 shillings.....	0	2	6

If an office copy is required and it exceeds 2s. 6d., the fee for search and inspection is to be allowed.

Copies of powers of attorney and other documents so deposited, presented at the office and stamped or marked as office copies, to be charged for as office copies.

(2) The following fees, by the order as to court fees, dated the 6th of August, 1880, directed to be inserted in the schedule to the order as to court fees made on the 28th of October, 1875, are hereby repealed:

Searches and inspections.

	Lower scale.			Higher scale.		
	£	s.	d.	£	s.	d.
For an official certificate of the result of a search in one name in any register or index under the custody of the clerk of enrollments, the registrar of bills of sale, the registrar of certificates of acknowledgments of deeds by married women, or the registrar of judgments.....	0	5	0	0	5	0
For every additional name if included in same certificate.....	0	2	0	0	2	0
For a duplicate copy of certificate, if not more than three folios.....	0	1	0	0	1	0
For every additional folio.....	0	0	6	0	0	6
For a continuation search, if made within fourteen days of date of official certificate (the result to be indorsed on such certificate).....	0	1	0	0	1	0

(3) Instead of the fees so repealed, the following fees shall henceforth be chargeable in respect of the matters hereinafter mentioned, viz:

Searches and inspections.

	£	s.	d.
For an official certificate of the result of a search in one name in any register or index under the custody of the clerk of enrollments, the registrar of bills of sale, the registrar of certificates of acknowledgments of deeds by married women, or the registrar of judgments, if not more than five folios.....	0	5	0
For every additional folio.....	0	0	6
For every additional name, if included in the same certificate.....	0	2	0
For an office copy of the certificate of search, if not more than three folios.....	0	1	0
For every additional folio.....	0	0	6
For a continuation search, if made within one calendar month of date of official certificate (the result to be indorsed on such certificate).....	0	1	0

(4) This order shall come into operation on the 1st of January, 1883.

(Signed,)

CHARLES C. COTES.

HERBERT J. GLADSTONE.

Lords of the Treasury.

SELBORNE, C.

COLERIDGE, L. C. J.

G. JESSEL, M. R.

NATH. LINDLEY, L. J.

H. MANISTY, J.

EDW. FRY, J.

RULES OF THE SUPREME COURT.

BILLS OF SALE ACTS, 1878 AND 1882.

(1) These rules may be cited as "the rules of the supreme court, bills of sale acts, 1878 and 1882," and shall stand in lieu of "the rules of the supreme court, December, 1882," which shall be and are hereby annulled.

(2) These rules shall come into operation on January 1, 1884.

(3) The abstract of the contents of a bill of sale, required by the bills of sale act (1878) amendment act, 1882, to be transmitted to the registrar of a county court, shall be in the form given in the appendix hereto.

(4) The abstract shall be sealed with the seal of the bills of sale department of the central office of the supreme court of judicature, and dated on the day on which it is transmitted by post to the registrar of the county court named therein.

(5) Where a bill of sale has been reregistered since October 31, 1882, or shall be reregistered hereafter under section 11 of the bills of sale act, 1878, an abstract of the reregistration, sealed and dated, shall be transmitted by post to the registrar of the county court to which such abstract should have been transmitted had the bill of sale been registered under the bills of sale act (1878) amendment act, 1882.

(6) Where a memorandum of satisfaction has been or shall be written under section 15 of the bills of sale act, 1878, upon any registered or reregistered copy of a bill of sale, an abstract of which has been transmitted to any registrar of a county court, a notice of such satisfaction, in the form in the appendix hereto, duly sealed and dated, shall be transmitted to each of the registrars to whom an abstract of such bill of sale shall have been transmitted.

(7) The registrar shall number the abstracts and notices of satisfaction in the order in which they shall respectively be received by him and shall file and keep them in his office.

(8) The registrar shall keep an index, alphabetically arranged, in which he shall enter under the first letters of the surname of the mortgageor or assignor such surname with his christian name or names, address and description, and the number which has been affixed to the abstract.

(9) Upon the receipt of a notice of satisfaction the registrar shall enter the notice of satisfaction on the abstract of the bill to which it relates, and shall note in the index against the name of the mortgageor or assignor the fact of the satisfaction having been entered.

(10) The registrar shall allow any person to search the index at any time during which he is required by the county court rules for the time being to keep his office open, upon payment by such person of 1 shilling; and to make extracts from the abstract or notice of satisfaction upon payment of 1 shilling for each abstract or notice of satisfaction inspected.

(11) The registrar shall also, if required, cause an office copy to be made of any abstract or notice of satisfaction, and shall be entitled for making, marking, and sealing the same to the same fee as is payable in the bills of sale department of the central office of the supreme court of judicature, viz, 6 pence per folio.

(12) Every first and second class clerk in the bills of sale department of the central office of the supreme court of judicature shall, by virtue of his office, have authority to take oaths and affidavits in matters relating to that department.

(Signed,)

SFLBORNE, C.
COLERIDGE, C. J.
N. LINDLEY, L. J.
EDW. FRY, L. J.
C. E. POLLOCK, B.
H. MANISTY.

December 28, 1883.

YORKSHIRE REGISTRIES ACT, 1884.

CHAPTER 54.

An act to consolidate and amend the law relating to the registration of deeds and other matters affecting lands and hereditaments within the north, east, and west ridings of the county of York. (August 7, 1884.)

Whereas in pursuance of the acts mentioned in the first schedule to this act register offices have been established for the registration of deeds, conveyances, wills, encumbrances, and other matters affecting lands and hereditaments within the three ridings of the county of York, and the town and county of the town of Kingston-upon-Hull; and

Whereas it is expedient to consolidate and amend the said acts —

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—This act may be cited as the Yorkshire registries act, 1884.

2.—This act shall come into operation on the first day of January, 1885, which day is in this act referred to as the commencement of this act, but any orders or rules and any appointment to any office may be made under this act at any time after the passing thereof, but such orders or rules shall not take effect until the commencement of this act.

3.—In this act, unless the context otherwise requires, the expression "north riding" means the north riding of the county of York.

The expression "east riding" means the east riding of the county of York, and for the purposes of this act lands within the town or county of Kingston-upon-Hull shall be deemed to be lands within the east riding.

The expression "west riding" means the west riding of the county of York, and for the purposes of this act lands within the wapentake known as "the Ainsty" shall be deemed to be lands within the west riding.

The expression "the three ridings" means the north riding, the east riding, and the west riding as above defined.

The expression "county authority" means, as respects each of the ridings, the justices of the peace of the said riding in general or quarter sessions assembled.

The expression "county rate" includes any rate in the nature of a county rate which the county authority may have power to levy for purposes similar to those for which a county rate may now be levied.

The expression "existing registry acts" means the acts specified in the first schedule to this act annexed.

The expressions "existing registry" and "existing registrar" mean the registry and registrar for the purposes of the existing registry acts within the ridings respectively immediately before the commencement of this act.

The expression "registrar" shall for the purpose of the discharge of any duties imposed on any registrar by this act include any deputy registrar who under the provisions of this act or under any provisions of any of the existing registry acts for the time being in force is empowered to perform any such duties.

The expression "land" includes land and tenements and hereditaments, corporeal or incorporeal, and houses and other buildings, and also an undivided share in land.

The expression "parish" means any parish, township, or place for which a separate poor rate can be made.

The expression "conveyance" includes any assignment, appointment, lease, or settlement made by deed on a sale, mortgage, demise, or settlement of any land or appointment of a new trustee in respect thereof, which has been executed by one or more of the parties by whom any interest in such land is thereby conveyed.

The expression "mortgage" includes any charge on any land for securing money or money's worth, and any transfer of a mortgage.

The expression "enlargement of term into fee-simple" means any enlargement of the residue of a term subsisting in any land into a fee-simple made by deed in pursuance of the conveyancing and law of property act, 1881, or any act or acts amending the same.

The expression "memorandum of charge" shall include any memorandum of a lien or charge on any land which may be registered under the provisions of this act.

The expression "statutory receipt" means any receipt the indorsement of which under any statute on any conveyance by way of mortgage vacates the same and transfers any estate in the property therein comprised without any reconveyance.

The expression "will" includes codicil.

The expression "probate" means the probate of any will or any letters of administration with the will annexed, or a copy thereof stamped with the seal of the probate division of the high court of justice, or a certified office copy thereof.

The expression "award of the land commissioners" means any award made by the land commissioners for England under any of the inclosure acts, 1845 to 1876, or any act or acts amending the same.

The expression "order of the land commissioners" means an absolute order of the land commissioners for England, whereby a rent-charge is created on land in pursuance of the improvement of land act, 1864, or any act or acts amending the same.

The expression "order of a court" means any judgment, decree, writ of execution or sequestration, adjudication in bankruptcy, or other order or process of or issuing from a court of competent jurisdiction or any order of the charity commissioners whereby any interest in any land is or may be affected.

The expression "assurance" shall include any conveyance, enlargement of term into fee-simple, memorandum of charge, deed of consent to the discharge of a trustee, statutory receipt, private act of Parliament, award or order of the land commissioners, order of a court, certificate of appointment of trustee in bankruptcy, or affidavit of vesting under any act of Parliament.

REGISTRATION.

4.—From and after the commencement of this act, and subject to the provisions of this act and any rules made under this act, all assurances executed or made after the commencement of this act, and all wills of any testators dying after the commencement of this act, by which any lands within any of the three ridings are affected may be registered under this act.

5.—The registration of any assurance, will, or other instrument under this act, shall be effected in the following manner:

(1) There shall be present for enrollment in the register—

(a) In the case of deeds, wills, or other assurances which may be registered under this act, except private acts of Parliament or memoranda of charge, or affidavits of vesting under any act of Parliament, a memorial thereof prepared in accordance with the provisions of this act and any rules made thereunder, or such deed, will, or other assurance as aforesaid, at full length at the option of the person registering the same.

(b) In the case of a private act of Parliament, a Queen's printer's copy of such act, or a memorial thereof prepared in accordance with the provisions of this act, and any rules made thereunder.

(c) In the case of any memorandum of charge, caveat, notice, or affidavit which may be registered under this act, such memorandum, caveat, notice, or affidavit at full length.

(2) Immediately on receipt of any instrument or memorial thereof presented for enrollment in the register, an entry shall be made in a book of reference to be kept for that purpose set forth—

(a) The date of the instrument.

(b) (i) In the case of a deed, the names of the parties.

(ii) In the case of a will, the name of the testator.

(iii) In the case of an order of court or certificate of appointment of trustee in bankruptcy, the title of the cause or matter wherein the same purports to be made, and the names of the parties thereto, if any.

(iv) In the case of a private act of Parliament, the title of the act.

(v) In the case of an order of the land commissioners, the name of the land-owner whose lands are charged.

(vi) In the case of an award of the land commissioners, the names of the persons in whose favor the award is made.

(vii) In the case of a memorandum of charge, the name of the land-owner whose lands are charged.

(viii) In the case of a caveat, the names of the persons by and in whose favor the same is given.

(ix) In the case of a notice of a will, the names of the testator and of the person by whom such notice is given.

(x) In the case of an affidavit of intestacy, the names of the deceased and of the deponent.

(xi) In the case of an affidavit of vesting, the title of the act of Parliament under which such vesting has been effected, and the name of the deponent.

(c) The names of all the parishes in which the lands affected by such instrument are situate.

(d) The volume, page, and number of the register where such instrument or memorial thereof is or is intended to be enrolled.

(e) The date, hour, and minute when such instrument or memorial thereof was received at the office for the purpose of registration.

And upon such entry being duly made such instrument shall be deemed to have been registered under this act, and the date, hour, and minute so entered as aforesaid shall be deemed for all purposes to be the date of registration, provided that if such entry be duly made in respect of part only of the lands affected by any such instrument, such instrument shall, as to the lands with respect to which such entry has been duly made, but not as to the residue of the lands affected thereby, be deemed to have been registered under this act: Provided that if such instrument shall afterwards be registered as to the omitted lands, a note of such registration and of the date thereof shall be made in the book of reference, and such registration shall thenceforth be valid and effectual as to such omitted lands.

(3) As soon as conveniently may be after the presentation of any instrument or memorial thereof for enrollment in the register, such instrument or memorial thereof shall be duly enrolled in the register, and the volume, page, and number of the register where the same is so enrolled shall correspond with the entry made or to be made in the book of reference relating to such instrument, and an entry shall be made in the margin of the register opposite any instrument or memorial thereof so enrolled of the date of registration.

6.—Except so far as may be otherwise expressly provided by this act, or by any rules to be made under this act, the memorials of all assurances or wills which are enrolled in the register under this act shall be subject to the following regulations:

(1) In the case of a deed the memorial shall be under the hand and seal of some or one of the parties thereto, or of some or one of their or his heirs, executors, administrators, guardians, or trustees, and shall be attested by one or more witnesses, one of whom at least shall have been a witness to the execution of the deed, and shall contain—

(a) The date of the deed.

(b) The name and description of the residence and occupation of all the parties to the deed, so far as set out therein.

(c) The names and descriptions of the residences and occupations of all the witnesses to the execution of the deed so far as appears therein.

(d) A description of all the lands affected by the deed within the riding, and the names of all the parishes wherein the same are situate, in such manner as the same are expressed or mentioned in such deed, or to the same effect.

(e) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.

(2) In the case of a will the memorial shall be under the hand and seal of one of the trustees or executors of the said will, or of some one or more persons claiming an interest thereunder in some of the lands affected thereby within the riding, and shall be attested by one or more witnesses, and shall contain—

(a) The date of the will.

(b) The date of the death of the testator.

(c) The name and description of the residence and occupation of the testator so far as set out in the will.

(d) The names and descriptions of the residences and occupations of all the witnesses to such will so far as appears therein.

(e) A description of all the lands affected by the will within the riding, and the names of all the parishes wherein the same are situate, so far and in such manner as the same are expressed or mentioned in the will, or to the same effect.

(f) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.

(3) In the case of an order of a court or a certificate of appointment of trustee in bankruptcy the memorial shall be under the hand and seal of some party claiming to be interested in some lands affected thereby within the riding, and shall contain—

(a) The date of the order or certificate.

(b) The title of the cause or matter wherein the same purports to be made.

(c) The names of the parties, if any, to such cause or matter.

(d) So much of the order or certificate itself as affects any lands within the riding, or describes or defines such lands.

(e) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.

(4) In the case of a private act of Parliament the memorial shall be under the hand and seal of some party claiming to be interested in some lands affected thereby within the riding, and shall contain—

(a) The date and title of the act.

(b) So much of the act itself as affects any lands within the riding or describes or defines such lands.

(c) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.

(5) In the case of an award of the land commissioners the memorial shall be under the hand and seal of some party claiming to be interested in some lands affected thereby within the riding, and shall contain—

(a) The date of the award.

(b) The names of all the persons in whose favor the award is made.

(c) A description of all the lands affected by the award within the riding, and the names of all the parishes wherein the same are situate.

(d) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.

(6) In the case of an order of the land commissioners the memorial shall be under the hand and seal of some party claiming to be interested in some lands affected thereby within the riding, and shall contain—

(a) The date of the order.

(b) The name and description of the residence and occupation of the land-owner whose lands are charged thereby.

(c) The particulars of the lands charged within the riding.

(d) The amount of the rent-charge.

(e) The period during which the same is made payable.

(f) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.

7.—Where any lien or charge on any lands within any of the three ridings is claimed in respect of any unpaid purchase-money or by reason of any deposit of title-deeds, a memorandum of such lien or charge, signed by the person against whom such lien or charge is claimed, may be registered by any person claiming to be interested therein.

Every such memorandum shall state—

(a) The date from which such lien or charge is claimed.

(b) The name and description of the residence and occupation of the land-owner whose lands are charged therewith.

(c) A description of all the lands within the riding affected by such lien or charge, and the names of all the parishes wherein the same are situate.

(d) The nature of the lien or charge claimed on or in such lands.

(e) The name and a description of the residence and occupation of the person registering such memorandum.

And no such lien or charge shall have any effect or priority as against any assurance for valuable consideration which may be registered under this act, unless and until a memorandum thereof has been registered in accordance with the provisions of this section.

8.—No deed, will, order of a court, certificate of appointment of trustee in bankruptcy, private act of Parliament, award, or order of the land commissioners shall be registered under this act unless the original or one of the originals of such deed, or the original or the probate of such will, or an office copy of such order of court or of such certificate, or a copy of such act printed by Her Majesty's printers, or a copy of the award duly sealed with the seal of the commissioners, or a copy thereof signed by the clerk of the peace or his deputy, purporting the same to be a true copy, or the absolute order of the land commissioners duly sealed with the seal of the said commissioners, as the case may be, is produced to the registrar at the time of such registration.

9.—Immediately after the registration of any deed, will, order of court, certificate of appointment of trustee in bankruptcy, private act of Parliament, award, order of the land commissioners, or memorandum of charge under this act, there shall be indorsed on the original deed or the original will or probate thereof, or an office copy of order of court or certificate, or the copy of the act or award, or the absolute order, or on the memorandum of charge, produced to the registrar a certificate, stating the date of registration, and the volume, page, and number in the register in which the same or a memorial thereof is or is intended to be enrolled; and the registrar shall sign the said certificate and seal the same with the seal of the registry, and every certificate so signed and sealed shall be receivable in evidence.

10.—Subject to any rules made under this act, a caveat may at any time be registered with respect to any lands within any of the three ridings by any person claiming to be entitled to any interest in such lands in favor of any body or person named therein, and, unless removed or canceled in accordance with any rules to be made for that purpose, shall be in force for such period not exceeding six months as may be named therein in that behalf.

Every such caveat shall be under the hand and seal of the person by whom it is given, and attested by one witness at the least and shall contain—

(a) The date on which it was given.

(b) The name and description of the residence and occupation of the person by whom it is given.

(c) The name and description of the residence and occupation of the person in whose favor it is given.

(d) The period for which it is given.

(e) A description of the lands to be affected by such caveat and the names of all the parishes wherein the same are situate.

If within the period for which any caveat remains in force any assurance made or executed by the person by whom such caveat was given, and conveying any interest in the lands de-

scribed therein to the person in whose favor such caveat was given, or to his heirs, executors, administrators, or assigns, be duly registered under this act, such assurance shall have priority as though it had been enrolled upon the date on which such caveat was enrolled, and such last-mentioned date shall, subject to the proviso hereinafter contained, be deemed to be the date of registration of the said assurance for all purposes, and shall be substituted in all certificates and other instruments for the date on which such assurance was actually enrolled accordingly: Provided that no such caveat shall have any effect as against the operation of any law for the time being in force relating to bankruptcy, and that for the purpose of any such law the date of registration of any such assurance or will shall be deemed to be the date upon which such assurance or will was actually registered.

11.—Where any person claiming an interest under any will in any lands within any of the three ridings is desirous of registering the same, but is unable to do so within a period of six months after the death of the testator, such person may within the said period of six months register a notice of such will. Every such notice shall be under the hand and seal of the person by whom it is given, and shall be attested by one witness in the least, and shall contain—

- (a) The date of the will.
- (b) The date of the death of the testator.
- (c) The name and description of the residence and occupation of the testator so far as set out in the will.
- (d) The name and description of the residence and occupation of the person by whom such notice is given.
- (e) A description of all the lands affected by the will within the riding, and the names of all the parishes wherein the same are situate, so far and in such manner as the same are expressed or mentioned in the will, or to the same effect.

Where any such notice has been duly registered within the said period of six months, then if within two years after the death of the testator the will, which is the subject of such notice, is duly registered under this act, such will shall have priority as though it had been registered upon the date on which such notice was registered, and such last-mentioned date shall be deemed to be the date of registration of the said will for all purposes, and shall be substituted in all certificates and other instruments for the date on which such will was actually registered.

12.—Any person who claims as heir or otherwise any estate or interest in any lands within any of the three ridings which might have been defeated or affected by the will of any person dying after the commencement of this act, and believes that such person died intestate, or intestate as to such lands, may at any time after, but not before, the expiration of six months from the death of such person, register an affidavit of intestacy.

Every such affidavit shall state—

- (a) The date of the death of the deceased.
- (b) The name and description of the residence and occupation of the deceased.
- (c) The name and description of the residence and occupation of the deponent.
- (d) A description of all the lands within the riding in which the deponent claims such estate or interest, and the names of all the parishes wherein the same are situate.
- (e) The nature of the estate or interest claimed by the deponent.
- (f) The fact that the deponent believes that the deceased died intestate, or intestate as to such lands.

Where any such affidavit of intestacy has been duly registered, any assurance for valuable consideration made or executed by any person who would be empowered to make or execute the same in case of such intestacy, and duly registered, shall have priority over any will of the supposed intestate, the date of registration of which shall be subsequent to the date of registration of such assurance or will and not within or under this act to be deemed to be within a period of six months after the death of the supposed intestate.

13.—Where the provisions of any act of Parliament passed or to be passed have the effect of vesting any lands within any of the three ridings in any person by or upon the payment of

money or by or upon any other act (other than any assurance or act the registration whereof is herein otherwise provided for), and such lands become so vested by or upon any such payment or other act made or done after the commencement of this act, any person claiming under or by virtue of such vesting as aforesaid may register an affidavit of such vesting.

Every such affidavit shall contain—

(a) A recital of the date and title of the act of Parliament under which such vesting has been effected.

(b) A recital of so much of the act itself as affects the lands so vested.

(c) The name and description of the residence and occupation of the deponent.

(d) A statement of the fact that such payment or act as aforesaid has actually been made or done with the date thereof.

(e) A description of the lands within the riding which have become vested under the said act in consequence thereof, and the names of all the parishes wherein the same are situate.

14.—Subject to the provisions of this act, all assurances entitled to be registered under this act shall have priority according to the date of registration thereof, and not according to the date of such assurances, or of the execution thereof, and every will registered under this act shall have priority according to the date of the death of the testator if the date of registration thereof be within, or under this act to be deemed to be within, a period of six months after the death of the testator, or according to the date of registration thereof, if such date of registration be not within, or under this act to be deemed to be within, such period of six months: Provided that nothing in this act shall interfere with the priorities as between themselves of any assurances or wills the dates of registration of which may be identical.

All priorities given by this act shall have full effect in all courts, except in cases of actual fraud, and all persons claiming thereunder any legal or equitable interests shall be entitled to corresponding priorities, and no such person shall lose any such priority merely in consequence of his having been affected with actual or constructive notice, except in cases of actual fraud; but nothing in this section contained shall operate to confer upon any person claiming without valuable consideration under any person any further priority or protection than would belong to the person under whom he claims; and any disposition of land or charge on land, which if unregistered would be fraudulent and void, shall, notwithstanding registration, be fraudulent and void in like manner.

15.—The registration of any instrument under this act shall be deemed to constitute actual notice of such instrument, and of the fact of such registration to all persons and for all purposes whatsoever, as from the date of registration.

16.—In any case in which priority or protection might but for this act have been given or allowed to any estate or interest in lands by reason or on the ground of such estate or interest being protected by or tacked to any legal or other estate or interest in such lands, no such priority or protection shall after the commencement of this act be so given or allowed to any estate or interest in lands within the three ridings, except as against any estate or interest which shall have existed prior to such commencement, and full effect shall be given in every court to this present provision, although the party claiming such priority or protection as aforesaid shall claim as a purchaser for valuable consideration and without notice.

17.—Any person claiming under any assurance or will duly registered shall have and be entitled to all the same grounds of relief as against any person claiming through any assurance or will of a subsequent date to that under which he claims, but which has acquired priority by earlier registration as the person through whom he claims under such first-mentioned assurance or will might have had and been entitled to.

18.—Subject to the provisions of this act, and any rules made thereunder, the registrar shall register all assurances, wills, and other instruments that may be entitled to be registered under this act which, or memorials of which, may be presented to him for enrollment in the register in the order in which they are so presented, and shall make such entries as are required to be made under this act or any rules made thereunder for the purposes of such registration.

Provided that all instruments or memorials which may be delivered through the post or otherwise at the office for the purpose of enrollment at any time when the office is closed, shall be deemed to be presented for enrollment simultaneously at the time when the office next opens for the business of registration, and that subject as aforesaid all instruments or memorials sent through the post shall be deemed to be presented for enrollment at the time when they are actually delivered at the office in course of post.

19.—Subject to the provisions of this act, and to any rules made thereunder, any person may, on application at the register office, at such times as may be limited by the registrar in that behalf inspect and search the register and any other books and indexes which may be required to be kept at the register office under this act, or any rules made thereunder, and may take copies thereof or extracts therefrom.

20.—Subject to the provisions of this act, and to any rules made thereunder, any person may at any time require an official search to be made on his behalf at the register office, subject to the following regulations:

(a) He shall deliver in the register office a requisition in writing signed by himself requiring such search to be made.

(b) The requisitions shall contain such full particulars of the character of the search required to be made and otherwise in relation thereto as may be required by the registrar.

(c) Upon receipt of any such requisition, the registrar shall cause a diligent search to be made, and shall give a certificate of the result of such search to the person requiring the same to be made, and shall sign such certificate and seal the same with the seal of the registry, and every certificate so signed and sealed shall be receivable in evidence.

21.—Where any official search has been made under this act, a record of the result of such search shall be preserved at the register office, and the registrar shall give a certificate of such result to any person requiring the same, and shall sign such certificate and seal the same with the seal of the registry, and every certificate so signed and sealed shall be receivable in evidence.

22.—Subject to the provisions of this act, and to any rules made thereunder, any person may require a certified copy of or extract from any document enrolled in the register or from any entry in the register, or any book or index kept at the register office under this act, or any rules made thereunder, and thereupon a certified copy or extract signed by the registrar and sealed with the seal of the register office shall be given to such person, and every such copy or extract so signed and sealed shall be receivable as evidence of the contents of such document or entry in every case where such contents may under the rules of evidence be proved by means of any copy or extract; but nothing in this section contained shall be taken to dispense with the production of any original document in any case in which the production thereof might otherwise be required, nor to dispense with any proof which might otherwise be required as to the due making and execution thereof.

23.—Where any solicitor, trustee, executor, agent, or other person in a fiduciary position, either by himself or by a solicitor, obtains a certificate of the result of an official search, or a certified copy of any document enrolled in the register, or of any entry in the register or any book or index kept at the register office under this act or any rules made thereunder, such solicitor, trustee, executor, agent, or other person shall not be answerable for any loss, damage, or injury that may arise from any error in such certificate and copy; and where in any case it is the duty of any solicitor, trustee, executor, agent, or other person in a fiduciary position, either by himself or by a solicitor, to compare any abstract of any deed or will with any original deed or will which has been enrolled at full length in the register, the comparison of such abstract with the copy so enrolled shall be deemed a sufficient discharge of such duty by such solicitor, trustee, executor, agent, or other person, and he or they shall not be answerable for any loss that may arise from any error in the copy so enrolled.

24.—Subject to any rules made under this act, every leaf of the register shall be numbered, and shall be signed by two members of the county authority to be nominated by the

county authority for that purpose, and once at least in every year an entry shall be made in the records of the county authority of the number of volumes of the register, and the number of volumes of the various other books and indexes in use in the register office, and the number of pages contained therein respectively which then are or have been in use in the said office.

25.—Any person claiming any estate or interest in any lands within the limits of this act may at any time apply to the chancery division of the high court of justice for an order that the register, or any book or index kept at any of the register offices under this act, or any rules made thereunder, shall be rectified, or that any entry may be made or interpolated in any such register book or index, or that any entry in such register book or index may be canceled, or that any certificate indorsed or given under this act may be amended or canceled, or that any deed, will, certificate, or other document may be produced to the registrar for the purpose of any registration, enrollment, entry, or cancellation, or that the priority by this act granted to assurances, wills, or other instruments upon the registration thereof may be suspended in whole or in part during the continuance of any proceedings then pending in any court as to any assurances or wills registered after the date of such order, and the court may either refuse such application, or, if satisfied of the justice of the case, may make such order in reference thereto, and as to the costs thereof, as may in their opinion be just and expedient.

The registrar and every other person or body affected by any such order of a court shall obey the same on being served with such order or an official copy thereof, and upon such service on the registrar such order shall be deemed to have been presented to him for enrollment in the register, and shall be registered accordingly.

Any jurisdiction of the chancery division of the high court of justice under this section may be exercised by any judge of the said court, whether sitting in open court or in chambers.

The lord chancellor may, from time to time, assign the duties vested in the said court in relation to matters under this section to any particular judge or judges of that court, and may, from time to time, make, revoke, and alter rules for carrying into effect the objects of this section: Provided always, that the said rules so made, revoked, or altered shall not extend the jurisdiction of the court.

Any person aggrieved by an order made under this section by the said court may appeal within the prescribed time in the same manner and with the same incidents in and with which orders made by the said court in cases within the ordinary jurisdiction of such court may be appealed from.

26.—Nothing in any act contained whereby the registrar is directed to give any certificate upon the production to him of any statutory receipt, shall render it obligatory on the registrar to give any such certificate unless and until such statutory receipt has been duly registered under this act.

27.—Nothing in this act contained shall render it obligatory on the registrar to enroll, register, or enter any instrument chargeable with any stamp duty which is not duly stamped.

28.—Nothing in this act contained shall be deemed to extend to any copy-hold hereditaments, nor to any lease not exceeding twenty-one years, or any assignment thereof where accompanied by actual possession from the making of such lease or assignment.

29.—Nothing in this act contained shall be deemed to extend to any assurance or will, so far as the same may relate only to shares in any public or private works or undertaking of any corporation, company, or society which, by virtue of any local or other act of Parliament, may be required to be registered or otherwise entered or minuted in the books of the corporation, company, or society.

30.—Nothing in this act contained shall be deemed to extend to any assurances of any lands being parcel of the land revenues of the Crown, or assurances of lands to or in trust for Her Majesty, or other assurances which may be enrolled in "the office of land revenue, record, and enrollments."

REGISTER OFFICES.

31.—There shall be offices for the registration of deeds at Northallerton for the north riding, at Beverley for the east riding, and at Wakefield for the west riding, which shall be maintained by the county authorities within the three ridings respectively, and the business of each such registry shall be conducted by a registrar, together with such number of clerks, messengers, and servants as may from time to time be appointed in that behalf, and at each of such offices the registrar shall keep a register for the registration of assurance wills and other instruments required or permitted to be registered under this act.

32.—There shall be a seal for each register office, and judicial notice shall be taken of the seal and of the signature of the registrar in all legal proceedings.

33.—From and after the commencement of this act all the land and property vested in or held by any county authority, or by any person upon trust for the purposes of any existing registry, together with all the estate and interest of any registrar, or heirs, executors, administrators, or devisees of any late registrar of any existing registry in any land used for the purpose of such registry, or any fixtures, furniture, or effects belonging thereto, shall be vested in the clerk of the peace for the riding within which such registry is situate, and his successors, subject to the liabilities affecting the same, upon trust for the purposes of the registry established under this act within the said riding, and be by him and them held for the purposes of such registry, or otherwise be by him and them sold, conveyed, or disposed of in such manner as the county authority may from time to time order and direct.

34.—The county authority may from time to time purchase any lands for the purposes of the registry established under this act, and may upon such lands, and any other lands within the riding which may be vested in them or in any trustee for the purposes of the registry established under this act, from time to time build, maintain, repair, alter, improve, enlarge, or rebuild such offices and buildings for the purposes of the registry established under this act as they may think expedient, or may from time to time sell the lands so purchased or vested as aforesaid, or any part thereof, and all expenses incurred by the county authority in carrying into effect the provisions of this act, together with all expenses of and incidental to the payment of any rates, taxes, assessments, or charges in respect of any such lands, buildings, or offices as aforesaid which may for the time being be vested in the county authority, or in any person or persons in trust for the purposes of the said registry, shall be paid by the county authority.

35.—Subject to the provisions of this act the county authority may from time to time make, and when made may rescind, amend, or add to, rules in respect to all or any of the following matters:

- (1) The form of the register and the mode in which the same is to be made and kept.
- (2) The preparation and keeping at the register office of any books and indexes, and the entries to be made therein for the purpose of affecting any registration.
- (3) The mode in which registration is to be conducted.
- (4) The making of entries in the register where any mortgage, lien, or charge with reference to which any instrument has been registered under this act has been satisfied or discharged.
- (5) The forms of memorials, certificates, and other instruments to be prepared for the purposes of this act.
- (6) The making of searches and the giving of certified copies.
- (7) The fees to be taken by the registrar where such fees are not paid to and retained by an existing registrar for his own use.
- (8) The custody of the register and other documents connected with the business of registration.
- (9) The transmission by post of applications for registration and for search, and of registered documents and certificates of registration and search.
- (10) Generally in relation to any matters, whether similar or not to those above mentioned, as to which it may be expedient to make rules for carrying into effect the objects of this act.

Provided that no such rules shall have any force or effect unless and until they have been confirmed by the lord chancellor and published in such manner as he may direct, and that a copy thereof shall be laid before both houses of Parliament within fourteen days after the confirmation thereof if Parliament be then sitting, or if Parliament be not then sitting within fourteen days after the next meeting thereof.

Any rules made, confirmed, and published in pursuance of this act shall be deemed to be within the powers conferred by this act, and shall be of the same force as if enacted in this act and shall be judicially noticed.

36.—The existing registrars shall be the first registrars for the respective ridings for the purposes of this act, and shall have and be subject to all the like rights, duties, obligations, and liabilities, and be entitled to the same remuneration in connection with the registries established under this act as they would have and be subject to and would be entitled to in connection with the existing registries if this act had not passed so far as may be possible, and save as aforesaid nothing in this act contained shall affect the rights of the existing registrars or of their deputies duly appointed, or shall alter the nature and tenure of their offices or the remuneration attached thereto, or the duties, obligations, and liabilities of such registrars and deputies in connection with the registries respectively: Provided always, that the county authority for any riding may at any time agree with the existing registrar for such riding that all fees and payments received by or on account of him in connection with the registry established under this act shall be paid over to the county authority and applied in manner directed by this act, and that a salary of an agreed amount should be paid to such existing registrar in lieu thereof, and thereupon the said fees shall be paid over to the county authority and applied by them in manner directed by this act, and a salary of the agreed amount shall be paid by the county authority to such existing registrar in accordance with the terms of the said agreement: Provided also, that the county authority for any riding may at any time agree with the existing registrar for such riding that such registrar shall surrender his office of registrar as from some date to be agreed upon, and that in consideration thereof there shall be paid to such registrar a retiring allowance either in the form of an annuity (of a fixed amount or of an amount varying according to the fees and payments from time to time received in connection with the registry) to be paid during the life of such registrar or of a capital sum, and thereupon such registrar may surrender his said office, and such retiring allowance shall be paid by the county authority to such registrar in accordance with the terms of the said agreement.

37.—When and so soon as the office of any existing registrar becomes vacant, the following provisions shall come into force and have effect:

(1) The county authority from time to time shall appoint some fit person being a barrister or solicitor of not less than seven years standing and in actual practice at the time of such appointment, or a person who shall for a period of at least five years have discharged the duties of deputy registrar under any of the existing registry acts or partly under the existing registry acts and partly under this act to be registrar who shall personally attend to the duties of his office, and may, if they think it expedient, remove any person so appointed from such office, provided that no such appointment shall have any force or effect unless and until it has been confirmed by the lord chancellor, and that the lord chancellor may at any time cancel any appointment so made and remove any person appointed from such office upon being satisfied that such person does not properly discharge the duties thereof.

No registrar appointed under this section shall either by himself or in partnership with any other person follow any other calling or profession during the time he holds such appointment.

(2) The county authority may from time to time by order direct that any person or persons to be nominated in such order shall be capable of discharging the duties of registrar during any temporary vacancy in the office or during the temporary absence of any registrar through illness or otherwise, upon such terms as to remuneration or otherwise as may be directed by such order, and in default of any such nomination the clerk of the peace or his deputy shall be empowered to act as registrar during such vacancy or temporary absence as aforesaid.

(3) A registrar may, with the approval of the county authority, at any time, by writing under his hand, appoint some fit person or persons being qualified as hereinbefore required for the office of registrar to be his deputy or deputies, and to act for him for such time and under such conditions as to remuneration or otherwise as may be sanctioned by the county authority, provided that any deputy so appointed may at any time be removed from his office by the registrar or the county authority.

(4) The registrar, with the approval of the county authority, shall from time to time appoint such number of clerks, messengers, and servants as may be deemed expedient for carrying this act into effect, and may from time to time dismiss any person so appointed.

(5) Every registrar and deputy registrar, and, if the county authority think proper, all or any of the clerks to be appointed under this section, shall give security for the due performance of the duties of their respective offices in such manner and to such amount as the county authority may determine.

(6) The registrar, deputy registrars, clerks, messengers, and servants appointed under this section shall be paid such salaries or remuneration as the county authority may from time to time determine.

(7) All salaries and remuneration payable under this section, together with all other expenses of and incidental to the register offices, shall be paid by the county authority.

38.—The fees to be taken in each register office in respect of documents to be registered, entries, searches, certificates, and copies to be made, and other matters to be done in such office under this act, shall be such fees as are specified in that behalf in the second schedule to this act, or such other fees as are fixed in manner hereinafter mentioned, and such fees so specified or fixed may be taken and shall be paid accordingly, and nothing in this act contained shall make it obligatory on the registrar to do any act or permit any act to be done in respect of which any fee is so specified and fixed, except on payment of such fee.

At any time and from time to time after any registrar has been appointed by the county authority, or after any agreement between any existing registrar and the county authority for the payment of such registrar by salary and not by fees has come into effect, the county authority may by any rules made under this act vary or wholly abolish any fees specified in the second schedule hereto, and may fix new fees in addition thereto or in lieu thereof.

39.—After the commencement of this act no registrar or other person employed at any registry shall take or receive any fee or gratuity in respect of the business carried on thereat, except such as may be authorized to be taken under the provisions of this act.

40.—Subject to the rights of any existing registrars and their deputies to be paid and to retain for their own use any fees and other payments made to them under this act, the county authority may from time to time direct that the fees or other payments which may be received under the authority of this act, or any part thereof, shall be applied under such regulations as they may appoint in payment of the current or incidental expenses of the registry, or any of them, but save so far as the same or any part thereof may be so applied, all such fees and payments as aforesaid shall be paid over to the county authority in such manner and subject to such regulations as they may direct, and shall be carried by them to the credit of the county rate.

41.—Accounts shall be kept at each registry of all fees and payments received under the authority of this act, and of all current and incidental expenses paid thereout, and such accounts shall be audited in such manner, at such times, and by such person or persons as may be directed by the county authority. Any person auditing any accounts in pursuance of this section shall be entitled to receive such remuneration (if any) as may be fixed by the county authority, and such remuneration shall be paid by the county authority.

42.—All expenses incurred by a county authority under this act and not otherwise provided for, including the expenses of and incidental to the obtaining of this act, may be defrayed out of the county rate, and the county authority may from time to time cause such county rates to be levied as may be necessary for the purpose of defraying such expenses; provided that

such expenses shall be deemed to be sums expended out of the county rate for general county purposes within the meaning of the municipal corporations act, 1882.

EXISTING REGISTRIES.

43.—Where in any case any assurance or instrument executed or made before the passing of this act, or the will of any testator dying before the commencement of this act, or any judgment, statute, or recognizance given, acknowledged, or made before the commencement of this act, or any memorial thereof respectively, might, but for the passing of this act, have been registered in any existing registry, but such assurance, instrument, will, judgment, statute, recognizance, or memorial have not been so registered, such assurance, instrument, will, judgment, statute, or recognizance may be registered in the manner and subject to the regulations contained in this act, and every such registration shall be deemed to be a registering of such assurance, instrument, will, judgment, statute, or recognizance, or of a memorial thereof, under such of the acts by this act repealed as apply to the existing registry in which the same might have been so registered as aforesaid, and shall have effect accordingly, but such registration shall not be deemed to be or have effect as a registration of an assurance, instrument, or will under this act.

44.—All registers, books, indexes, and other documents and instruments in or belonging to the existing registries, or in the custody or under the control of the existing registrars, or of any other person attached thereto or employed therein for the purposes thereof, shall from and after the commencement of this act be vested in the clerks of the peace for the ridings within which such registries are situate respectively, upon trust for the purposes of the registry established under this act within the said riding, and be by him and them held for the purposes of such registry, and disposed of in such manner as the county authority may direct.

The county authority shall from time to time make such provisions and give such directions as they may deem expedient for the purpose of securing the deposit and safe custody of the said registers, books, indexes, and other documents and instruments in the new registry offices, and for the providing for the making of searches therein, and of copies thereof, and for all other matters relating thereto, and the like fees shall be taken and paid in respect of such searches and copies as in the case of other copies and searches to be made in the said offices under this act.

45.—All copies to be made after the commencement of this act of enrollments of bargains and sales enrolled in the existing registries, and of the entries or enrollments of deeds, wills, writings, or conveyances registered at full length in the existing registry for the north riding shall be signed by the registrar and sealed with the seal of the office, and copies so signed and sealed shall be as good evidence as copies of such enrollments and entries would have been under and by virtue of any of the registry acts if signed and attested in manner by the said acts respectively required.

MISCELLANEOUS.

46.—If any registrar or other person employed in the register office is party or privy to any act of fraud or collusion in relation to the registration of any assurance, will, or other instrument under this act, or the making of any enrollment or entry, or the giving of any certificate or copy, or the making of any search, or the taking of any extract or copy under this act, or any rules made thereunder, he shall be guilty of a misdemeanor, and shall, upon conviction on indictment, be liable to imprisonment with or without hard labor for any period not exceeding two years.

47.—If any person making any affidavit under this act shall therein willfully swear falsely, such person shall be deemed guilty of willful and corrupt perjury.

48.—Any affidavit to be registered under this act may be sworn before any person authorized to administer oaths in Her Majesty's high court of justice or in the court of chancery of the county palatine of Lancaster, or in the case of a person who is out of the Kingdom of Great Britain and Ireland before a magistrate or justice of the peace or other person qualified to ad-

minister oaths in the country where he resides (he being certified to be a magistrate or justice of the peace or qualified as aforesaid by a British minister or British consul or by a notary public).

49.—When and so soon as the right of appointment of the registrar under this act is vested in and has been exercised by the county authority, the following provisions shall have effect:

(a) Every action which may be brought by any person to recover damages for or by reason of any loss or damage occasioned by any neglect, omission, mistake, or misfeasance of the registrar or any person employed in the register office in connection with the business of such office shall be brought against the registrar as the nominal defendant by his name of office, and no such action shall abate by reason of the death or removal from office of any such registrar.

(b) A writ or process shall not be sued out against or served on the registrar for any thing done or intended to be done or omitted to be done under the provisions of this act until the expiration of one month after notice in writing has been served on such registrar, clearly stating the cause of action and the name and place of abode of the intended plaintiff and of his solicitor or agent in the cause.

(c) The registrar, with the consent of the county authority, may enter into and conclude a compromise with any body or person claiming a right of action against him under this section, or may agree with such body or person that any question relating to such right of action should be referred to arbitration.

(d) All damages, costs, and expenses payable by the registrar in respect of any such action, compromise, or arbitration as in this section above mentioned shall be paid by him out of moneys to be provided by the county authority, and the county authority shall provide all moneys which may be necessary in that behalf.

50.—No matter or thing done and no contract entered into by any county authority, and no matter or thing done by any member of any such authority, or by any officer of such authority, or other person whomsoever appointed by and acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into bona fide for the purpose of executing this act, subject them or any of them personally to any action, liability, claim, or demand whatsoever, and any expense incurred by any such county authority, member, officer, or other person acting as last aforesaid shall be paid by the county authority.

Provided that nothing in this section shall exempt any member of any county authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such authority, and which such member authorized or joined in authorizing.

51.—From and after the commencement of this act the acts specified in the first schedule to this act shall be and the same are hereby repealed.

Provided that this repeal shall not affect—

Any thing duly done or suffered; or

Any right, privilege, priority, or preference acquired; or

Any liability, disqualification, disability, fine, forfeiture, or other punishment incurred under any enactment so repealed prior to the commencement of this act, and any proceeding and remedy for the ascertainment, enforcement, or recovery thereof may be instituted, prosecuted, and had as though this act had not passed.

THE SCHEDULES REFERRED TO IN THE FOREGOING ACT.

The first schedule.

Session and chapter.	Title.
2 and 3 Anne, c. 4....	An act for the public registering of all deeds, conveyances, and wills that shall be made of any honors, manors, lands, tenements, or hereditaments within the west riding of the county of York after the nine-and-twentieth day of September, one thousand seven hundred and four.
6 Anne, c. 20.....	An act for enrollments of bargains and sales within the west riding of the county of York in the register office there lately provided, and for making the said register more effectual.
6 Anne, c. 62.....	An act for the public registering of all deeds, conveyances, wills, and other encumbrances that shall be made of or that may affect any honors, manors, lands, tenements, or hereditaments within the east riding of the county of York or the town and county of the town of Kingston-upon-Hull after the nine-and-twentieth day of September, one thousand seven hundred and eight, and for the rendering the register in the west riding more complete.
8 Geo. II, c. 6.....	An act for the public registering of all deeds, conveyances, wills, and other encumbrances that shall be made of or that may affect any honors, manors, lands, tenements, or hereditaments within the north riding of the county of York after the nine-and-twentieth day of September, one thousand seven hundred and thirty-six.

The second schedule.

For entering or registering a memorial, certificate, deed, or other document, where the same does not exceed two folios (of one hundred words each) in length, 1 shilling.

The like, where the said memorial, certificate, deed, or other document exceeds two folios (of one hundred words each) in length, 6 pence per folio.

For every certificate or copy of any memorial, deed, or other document given or filed pursuant to this act, the like fees.

For every search (not being an official search), 1 shilling.

For every official search, for each period of five years, 6 pence.

YORKSHIRE REGISTRIES AMENDMENT ACT, 1885.

CHAPTER 26.

An act to amend the Yorkshire registries act, 1884. (July 16, 1885.)

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:

1.—This act may be cited as the Yorkshire registries amendment act, 1885.

2.—In this act the expression "the principal act" means the Yorkshire registries act, 1884.

3.—Section 10 of the principal act shall be repealed as from the passing of this act, provided that such repeal shall not in any way prejudice or affect any caveats given in accordance with the provisions of the said section before the commencement of this act, and that for the purposes of such caveats, and of any rights, preferences, and priorities dependent thereon, the said repealed provisions shall be deemed to be and to continue to be of full force and validity.

In lieu of the provisions by this section repealed the following provisions shall be enacted:

Subject to any rules made under the principal act a caveat may at any time be given with respect to any lands within any of the three ridings by any person claiming to be entitled to any interest in such lands in favor of any person named therein, and may be registered under the principal act; and every caveat so registered shall, unless removed or canceled in accordance with any rules to be made for that purpose under the principal act, remain in force for such time as may be specified therein in that behalf.

Nos. 110 and 111—31.

Every such caveat shall be under the hand and seal of the person by whom it is given, and attested by one witness at the least, and shall contain—

- (a) The date on which it is given.
- (b) The name and description of the residence and occupation of the person by whom it is given.
- (c) The name and description of the residence and occupation of the person in whose favor it is given.
- (d) A statement of the time for which it is intended to remain in force.
- (e) A description of the lands to be affected by such caveat, and the names of all the parishes wherein the same are situate.

If within the time during which any caveat remains in force any assurance made or executed by the person by whom such caveat was given in favor of the person in whose favor such caveat was given, or his heirs, executors, administrators, or assigns, be duly registered under this act, such assurance shall have priority as though it had been registered upon the date on which such caveat was registered; and such last-mentioned date shall be deemed to be the date of registration of the said assurance for all purposes, and shall be substituted in all certificates and other instruments for the date on which such assurance was actually presented for enrollment accordingly.

4.—Section 14 of the principal act shall be read and construed as though the words "entitled to be registered" had been inserted in the fourth line of the said section in lieu of the word "registered."

5.—Section 15 of the principal act shall be and the same is hereby repealed.

YORKSHIRE REGISTRIES ACT, 1884.

RULES.

- 1.—These rules may be cited as the north riding of Yorkshire registry rules, 1885.
- 2.—These rules shall come into operation on the 1st day of January, 1885.
- 3.—In the construction of these rules, the expression "the act" means the Yorkshire registries act, 1884, and any words defined by the act shall in these rules have the meanings thereby assigned to them respectively.
- 4.—The registry office shall be closed for all business on the days following:
 Christmas-day and the next following working day.
 Good-Friday, Easter-eve, and the Monday in Easter week.
 Monday and Tuesday in Whitsun week.
 The first Monday in August.
 All days appointed by proclamation to be observed as days of public humiliation, fast, or thanksgiving.

Subject as aforesaid, the registry office shall be open for business every week-day between such hours as the registrar may, with the sanction of the county authority, from time to time prescribe; and shall be open to the public every week-day but Saturday, between the hours of ten and four; and on Saturday, between the hours of ten and one.

5.—Subject to the exceptions in these rules contained at any times when the registry office is open to the public, any person may search the register and any books and indexes required to be kept at the registry office under the act or these rules, and any registers, books, indexes, and other documents and instruments which are vested in the clerk of the peace by section 44 of the act, and may take copies or extracts therefrom, upon payment of the fees prescribed with regard thereto respectively, provided that unless such person is a clerk or other person employed in the regular service of the office such copies or extracts shall be made with a lead-pencil only, and not with any ink or writing-fluid.

Any such copies or extracts as aforesaid (not being certified copies or extracts) shall, when required, be made by persons employed in the office, as soon as conveniently may be, upon payment of the same fees as would be payable in respect thereof if made by the person requiring the same himself. Provided that no such person shall be required to make a copy or extract of or from any map or plan, except upon payment of the actual cost of making the same, estimated in such manner as may be agreed upon between the registrar and the person requiring the same to be made, which amount the registrar is hereby authorized to demand and take in respect thereof.

6.—The forms in the schedule hereto shall be used in all matters to which they refer, or are capable of being applied or adapted, with such alterations and additions as are necessary to meet the circumstances of each case.

Copies of the said forms, printed on official paper and issued under the sanction of the county authority shall be deemed to be accurate copies of the said forms, and to be on paper of the size and quality prescribed by these rules in respect of documents to be presented to the registrar for enrollment.

No accidental error, omission, variance, or misdescription of the residences and occupations of any party to, or person named in, any memorial, affidavit, or other document, to be enrolled or registered in the registry, in any point not necessary for the identification of any such party or person, shall prejudicially affect or make void the enrollment or registration thereof.

7.—Where in any case it is required under the act or these rules that a description of the residence of any body corporate should be set forth in any document, it shall be sufficient if the address of the registered office, or, if there be no registered office, if the address of any office of such body corporate, be inserted therein; and for all or any of the purposes of rules 11 and 15, a corporation may act by any of its officers authorized in that behalf under the seal of the corporation, a firm may act by any of its members, and a lunatic may act by his committee or *curator bonis*.

8.—All documents which may be required to be enrolled (except Queen's printers' copies of acts of Parliament) and all requisitions for official searches shall be prepared in conformity with the act and these rules, and shall be presented to the registrar for such enrollment, written or printed in legible characters upon strong, wide-ruled demy paper of a size of 16 inches in length by 10 inches in breadth, or thereabouts, with an inner margin about 2 inches wide, and an outer margin about three-fourths of an inch wide.

9.—Where any map or plan is indorsed upon or annexed to any instrument that may be required to be registered, an exact copy of such map or plan shall be drawn upon the copy or memorial of such instrument which is presented for actual enrollment in the register, or drawn upon linen cloth and attached thereto.

10.—For the purposes of the registration of a statutory receipt under the act and these rules, the parties to, and lands affected by, the conveyance upon which such receipt is indorsed, shall be deemed to be the parties to, and lands affected by, the statutory receipt, and shall as such be entered in the book of reference, and the indexes to be kept under this act and these rules, in the same manner as if such receipt were a deed, provided that every such receipt shall be enrolled in the register at full length.

11.—Where any instrument is required to be enrolled in the register at full length, a true copy of such instrument shall be presented for the purpose of being actually enrolled and bound up in the register, and (except where such instrument is a caveat or affidavit), there shall be prefixed to such copy a statement, to be enrolled therewith, setting forth the following particulars:

(a) The name and description of the residence and occupation of the person on whose behalf the instrument is to be registered.

(b) The date of the instrument.

(c) (1) In the case of a deed, the names of the parties.

(2) In the case of a will, the name of the testator.

(3) In the case of an order of court or of the charity commissioners, or certificate of appointment of trustee in bankruptcy, the title of the cause or matter wherein the same purports to be made, and the names of the parties thereto, if any.

(4) In the case of a private act of Parliament, the title of the act.

(5) In the case of an order of the land commissioners, the name of the land-owner whose lands are charged.

(6) In the case of an award of the land commissioners, the names of the persons in whose favor the award is made.

(7) In the case of a notice of a will, the names of the testator, and of the person by whom such notice is given.

(d) (1) In the case of an instrument other than a will the names of all the parishes wherein any lands known to be affected by such instrument are situate, in such manner as the same are expressed or mentioned in such instrument or to the same effect.

(2) In the case of a will the names of all the parishes wherein any lands known to be affected by such will are situate, so far and in such manner as the same are expressed or mentioned in such will or to the same effect.

And such statement shall be signed by the person on whose behalf such instrument is to be registered.

12.—Every memorial, memorandum of charge, caveat, notice of will, affidavit of intestacy, or statement shall be deemed to be required to be registered on behalf of the person by whom the same is executed, signed, sworn, or made, except so far as it may otherwise appear therein.

13.—(1) Where any document is presented for enrollment in the register an entry shall forthwith be made in the margin thereof of the date, hour, and minute when the same was delivered at the office, and such document, and any other document required to be produced to the registrar in connection therewith for the purposes of registration, shall immediately be examined in order to ascertain—

(a) That all stamp duty payable in respect of the instrument required to be registered and of the memorial thereof (if any) has been duly paid.

(b) That the document to be enrolled is in conformity with the requirements of the act and of these rules.

(2) If the registrar be not satisfied that all such stamp duty has been duly paid and that the document presented for enrollment is in conformity with the requirements of the act and these rules, he shall object to receive the same for the purpose of registration and shall forthwith give notice of such objection and of the grounds thereof to the person on whose behalf the registration is required to be made or his authorized agent, and such document shall be deemed accordingly to have been not received at the office for the purpose of registration.

(3) In any such case as in the last section mentioned, the registrar shall cause provisional entries to be made in the book of reference, and in the indexes in like form as though such entries were made for the purpose of registration, but with notes appended thereto showing that such entries are merely provisional.

If within one month after the date of such provisional registration, the registrar is satisfied that his objection was not well founded, or if such objection shall at any time be declared by the chancery division of the high court of justice to have been not well founded under any proceedings commenced in respect thereof in the said court within the said period of one month, notice whereof has within the said period been served upon the registrar, the said provisional registration shall become valid registration, and the date of such provisional registration shall be deemed for all purposes to be the date of registration, and thereupon the registrar shall proceed as in other cases where a document is duly presented to him for enrollment in the register.

Where any notice of such proceedings as aforesaid is served upon the registrar, he shall forthwith cause a note thereof to be made opposite the said provisional entries.

If within the said period of one month the registrar is not satisfied that his objection was not well founded, and no such notice of proceedings in the said court is served upon the reg-

istrar as aforesaid, the registrar shall at the expiration of the said period of one month strike out the said provisional entries, and the said provisional registration shall be canceled accordingly.

(4) If the registrar is satisfied that all such stamp duty has been duly paid, and that the document presented for enrollment is in conformity with the requirements of the act and these rules, he shall proceed as follows :

(a) He shall cause the proper entries to be made in the book of reference.

(b) He shall cause an entry to be made on the face of the said document of the volume, page, and number of the register where the same is to be enrolled.

(c) In any case where, under the provisions of section 9 of the act, a certificate is required to be indorsed on any instrument immediately after the registration thereof, he shall cause such certificate to be duly indorsed accordingly.

(d) Subject to any provisions of these rules authorizing the retention of documents and the transmission thereof by post, he shall, as soon as conveniently may be, cause all documents produced to him for the purpose of the registration, but not required to be retained at the office for the purpose of enrollment, to be returned upon request to the person on whose behalf the registration is required to be made or his authorized agent; provided that no such document shall be allowed to leave the office unless and until a proper receipt for such document (if required by the registrar) has been duly given, and all fees in connection with such registration have been duly paid.

(e) He shall forthwith cause the proper entries to be made in the index of names and the index of lands.

(f) As soon as may be he shall cause the document presented for enrollment to be duly enrolled in the register (by causing the same to be bound up therein as by these rules directed), in such a manner that the volume, page, and number of the register where such document is so enrolled, shall correspond with the entry made in the book of reference relating thereto.

14.—Every requisite for an official search for any instrument registered or enrolled either before or after the commencement of the act, shall be signed by, or on behalf of, the person requiring the said search to be made.

The registrar shall cause a certificate of the result of the search made and signed by him and sealed with the seal of the registry, to be given to the person requiring the same, and a duplicate thereof shall be bound up in the record of official searches, and preserved at the register office.

15.—Where any document or documents may have been enrolled in the register having reference to the creation or assignment of any mortgage, lien, or charge affecting any lands within the riding, and such mortgage, lien, or charge is thereafter satisfied or discharged, the following provisions shall have effect:

(1) Any person entitled to or claiming to be entitled to any interest in such lands may present an affidavit of discharge with reference thereto, for enrollment in the register.

(2) Every such affidavit of discharge shall be in the form set out in the schedule hereto, and shall be made by the person presenting the same for enrollment, and shall contain the following particulars:

(a) The name, residence, and description of the deponent.

(b) A list setting forth every document having reference to the creation or assignment of such mortgage, lien, or charge, which has been enrolled in the register, and against which it is desired that entries referring to such affidavit shall be made, and the volume, page, and number of the register where each such document is so enrolled.

(c) The names of all the parishes in which any lands affected by such mortgage, lien, or charge are situate.

(d) The name and description of the residence and occupation of every person who immediately before the satisfaction or discharge of such mortgage, lien, or charge was entitled

to the benefit thereof, and a statement that to the best of the knowledge and belief of the deponent no other person was entitled to the benefit thereof.

(e) A statement of the fact that such mortgage, lien, or charge has been satisfied or discharged, setting forth the manner in which and the date when such satisfaction or discharge was effected.

Every such affidavit shall be deemed to be an affidavit made under the act in order to be registered under the act.

(3) A consent in writing to the enrollment of such affidavit signed by every person named in the affidavit as being entitled to the benefit of such mortgage, lien, or charge (every such signature being verified by the oath of some credible witness) shall be produced to the registrar at the time when the affidavit of discharge is presented, and where such mortgage, lien, or charge was originally created by deed or other writing, the original of such deed or writing with an entry thereon, showing that such mortgage, lien, or charge is canceled, shall be produced to the registrar at the time when the affidavit of discharge is presented. Provided that where such original deed or writing can not be so produced by reason of its having been lost or destroyed, a statutory declaration made by the person who would lawfully be entitled to the custody of such deed or writing, if such mortgage, lien, or charge were not satisfied or discharged, stating that such deed or writing has been lost or destroyed, shall be produced to the registrar in lieu thereof.

(4) If the registrar is not satisfied that the requirements of this rule have been duly complied with, he shall refuse to receive the affidavit of discharge for enrollment, and shall forthwith give notice of such refusal and of the grounds thereof to the person by whom such affidavit is presented, or his authorized agent.

(5) If the registrar is satisfied that the requirements of this rule have been duly complied with, he shall receive the said affidavit for enrollment, and shall cause entries to be made thereon of the date when such affidavit was received for the purpose of enrollment, and of the volume, page, and number where the same is to be enrolled, and such affidavit shall be enrolled in the register accordingly. The registrar shall also forthwith cause an entry to be made in the margin of every document set forth in the list of enrolled documents contained in such affidavit, stating that such affidavit has been enrolled in the register and the place of such enrollment, and the date when such affidavit was received for the purposes thereof.

16.—Where a caveat has been enrolled in the register and such caveat is thereafter canceled or discharged, an affidavit of discharge thereof may be enrolled in the register, and the provisions of rule 15 shall, so far as practicable, apply to such affidavit of discharge.

17.—The following books shall be kept at the registry office—

- (1) The book of reference.
- (2) The register.
- (3) The index of names.
- (4) The index of lands.
- (5) The record of official searches.

18.—The book of reference shall be kept in the following form:

[illegible]

And the registrar shall cause the proper entries to be made therein as directed by the act and these rules.

19.—The register shall consist of the documents which are presented for enrollment therein, such documents being filed in the order in which they are received, for the purposes of registration, and as soon as conveniently may be permanently bound up together in volumes, each containing not more than five hundred such documents; provided that the county authority may, if they think fit, at any time direct that, for the convenience of reference, the documents affecting lands situate within any specified divisions of the riding shall be kept distinct and bound up in separate volumes, appropriated to such divisions respectively.

After any document has been enrolled in manner prescribed, it shall not be necessary to cause every leaf of the register to be signed by any member of the county authority, pursuant to section 24 of the act, but the registrar shall sign the entry made in the margin of such document or page of register, and seal the same with the seal of the register office.

20.—The index of names shall be kept in the following form:

Name, ———.

Day, month, and year of registration.	Nature of instrument.	Township, etc., in which lands affected are situate.	Place of enrollment.			Further particulars.
			Volume.	Page.	Number.	

And the registrar shall cause the proper entries to be made therein respecting every instrument which may be registered.

- (a) In the case of a deed, under the name of every party thereto.
- (b) In the case of a will, under the name of the testator.
- (c) In the case of an order of court or of the charity commissioners, or certificate of appointment of trustee in bankruptcy, under the name of every party (if any) to the cause or matter wherein the same purports to be made.
- (d) In the case of an order of the land commissioners, under the name of the land-owner whose lands are charged.
- (e) In the case of an award of the land commissioners, under the names of the persons in whose favor the award is made.
- (f) In the case of a memorandum of charge, or affidavit of discharge, under the name of the land-owner whose lands are or were charged.
- (g) In the case of a caveat, or affidavit of discharge of a caveat, under the names of the persons by and in whose favor the same is given.
- (h) In the case of a notice of a will, under the name of the testator.
- (i) In the case of an affidavit of intestacy, under the name of the deceased.
- (j) In the case of an affidavit of vesting, under the name of the person in whom the lands are stated to have vested.

21.—The index of lands shall be kept in the following form :

Name of township, etc., ———.

Day, month, and year of registration.	Nature of instrument.	Names of parties, etc.	Place of enrollment.			Further particulars.
			Volume.	Page.	Number.	

And the registrar shall cause the proper entries to be made therein respecting every instrument which may be registered under the name of every parish in which any of the lands affected thereby are declared to be situate, provided that in the third column the following entries shall be made :

- (a) In the case of a deed, the names of all the parties thereto.
- (b) In the case of a will, the name of the testator.
- (c) In the case of an order of court, or of the charity commissioners, or certificate of appointment of trustee in bankruptcy, the title of the cause or matter wherein the same purports to be made, and the names of the parties thereto (if any).
- (d) In the case of a private act of Parliament, the title of the act.
- (e) In the case of an order of the land commissioners, the name of the land-owner whose lands are charged.
- (f) In the case of an award of the land commissioners, the names of the persons in whose favor the award is made.
- (g) In the case of a memorandum of charge, or affidavit of discharge, the name of the land-owner whose lands are or were charged.
- (h) In the case of a caveat, or affidavit of discharge of a caveat, the names of the person by and in whose favor the same is given.
- (i) In the case of a notice of a will, the name of the testator.
- (j) In the case of an affidavit of intestacy, the name of the deceased.
- (k) In the case of an affidavit of vesting, the title of the act of Parliament under which such vesting has been effected, and the name of the person in whom the lands are stated to have vested.

Provided that when a parish or part of a parish is situate within any urban sanitary district, the index under the name of such parish—or part of a parish, or any part thereof respectively—may, if the county authority so direct, be further subdivided under the names of the various streets comprised therein, and all instruments affecting any lands abutting on such streets shall be indexed accordingly. Provided also that in the construction of this rule the word “street” shall mean any highway, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.

Where any such subdivision of the index under the name of any parish as aforesaid is adopted, the registrar may require any person on whose behalf any instrument affecting any lands within such parish is required to be registered, to supply him with such information as may be necessary for the purpose of correctly indexing such instrument; and he may detain any documents produced to him for the purpose of the registration of such instrument until such information is duly supplied.

22.—The record of official searches shall consist of the duplicate certificates of the result of such searches, which are retained at the office, such duplicates being filed in the order in which they are made, and duly paged and numbered accordingly, and as soon as conveniently may be permanently bound up together in volumes, each containing not more than five hundred such copies.

The record of official searches shall not be open to the inspection of the public.

23.—Any document requiring to be sent to the registry office may be sent thereto in a prepaid cover by post; and any document requiring to be sent or returned to any person from the registry office shall on due request being made in that behalf, be sent or returned by post, subject to the following conditions:

(a) If the registrar is requested to cause any document sent to him to be returned by post, there shall be sent with the document a cover for that purpose, duly addressed and with stamps affixed thereon for the postage, and, if required to be returned by registered post, with additional stamps affixed for the postal registration fee, together with a fee of 6 pence for posting, which fee the registrar is hereby authorized to demand and take in respect thereof.

(b) The registrar shall not be responsible for any loss of or damage to any document which may happen in the course of its transmission to or from the office by post, or for any delay in such transmission.

24.—No volume of any register, book, or index by the act or these rules directed to be kept at the registry office, and no document which has been enrolled therein, shall be removed from the registry office except in obedience to an order of the county authority, or of an order or writ of any court or authority of competent jurisdiction.

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